

**AFRICAN ADULT SENTENCED MALE FOREIGN OFFENDERS
WITHIN THE NORTH WEST PROVINCE INCARCERATED AT
LOSPERFONTEIN (BRITS, SOUTH AFRICA) CORRECTIONAL
CENTRE: A CRIMINOLOGICAL OFFENDER- AND OFFENCE-
SPECIFIC ASSESSMENT**

by

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submitted in accordance with the requirements
for the degree

MASTER OF ARTS

in the subject

Criminology

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: Professor A.E. HESSELINK

FEBRUARY 2019

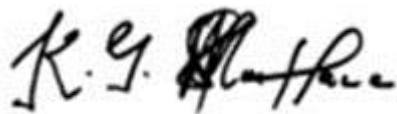
DECLARATION

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I, the undersigned here declare that “AFRICAN ADULT SENTENCED MALE FOREIGN OFFENDERS WITHIN THE NORTH WEST PROVINCE INCARCERATED AT LOSPERFONTEIN (BRITS, SOUTH AFRICA) CORRECTIONAL CENTRE: A CRIMINOLOGICAL OFFENDER- AND OFFENCE-SPECIFIC ASSESSMENT”, is my own work, and that all the sources used or quoted have been indicated and acknowledged with complete references.



Signature

(Mr. KG Mmutlane)

Date: 20 February 2019

ACKNOWLEDGEMENTS

I profoundly honour God the Almighty with this piece of work. I owe Him all the thanks for giving me passion and courage to study and understand the criminal behaviour of people behind bars (offenders), many of whom are despised by society for their crimes.

I am greatly indebted to my supervisor, Professor A.E. Hesselink, for her seemingly inexhaustible patience, guidance, and uncompromising stance on quality. It has been a long and exciting educational journey for me, memories of which I shall always cherish. I have emerged much wiser, resilient, imaginative, and inquisitive.

A research project spanning several years requires the assistance of others. I am therefore profoundly grateful to all the correctional officials I met during my working days and during my research period at Losperfontein Correctional Centre. Thanks to Ms CJ Gouws, who generated the name list of foreign offenders from the Admission and Release (A&R) correctional centre system, which made it easy for me to draw a sample, your efforts are highly appreciated. *Baie dankie vir u ondersteuning.*

My sincere gratitude also goes to the Department of Correctional Services for granting me permission to conduct the research and for allowing access to the research participants. Thanks to all officials from different Directorates at the National Head Office of the Department of Correctional Services, for providing me with the information I needed for this research project.

I further extend my sincere gratitude to all the foreign offenders incarcerated at Losperfontein Correctional Centre, particularly offenders from Mozambique and Zimbabwe, who entrusted me with many of their personal details which were invaluable to this research.

A word of earnest gratitude goes to the following researchers abroad, who provided me with information regarding foreign offenders' assessment completed in the United States of America and Canadian correctional institutions: Deb Perkins from Colorado Department of Corrections, Teri Herold-Prayer from Washington State Department of

Corrections, Joseph Tomkiel from Pennsylvania Department of Corrections and Professor Wagdy Loza from Queens University in Canada.

I am indebted to my brother Dr Edwin Mmutlane, who has always been a mentor and positive role model, a pathfinder and the first graduate in our family. *Ke lebogela thotloetso le kemonokeng ya gago ka metlha morwarre!*

A word of gratitude also goes to my friend and brother in the academia Dr Francois Louw, who provided me with a tape recorder to record my interviews.

Thanks to my partner Lebogang Sarah Molale, my family, all my friends and colleagues who oftentimes enquired about my progress and offered me unwavering support when my soul sagged.

Lastly, I would like to express my sincere gratitude to Dr Michelle Karels for her meticulous editing of this dissertation.

SUMMARY

The researcher conducted an in-depth analysis of the criminality and criminal behaviour of selected sample-specific, African, adult male Mozambican and Zimbabwean foreign offenders, incarcerated at South Africa's Losperfontein Correctional Centre. The causes, contributory factors and motives of their crimes were determined, and their criminogenic needs and risks identified. The needs and risks of foreign offenders were found to differ from those of South African offenders significantly. To address criminogenic needs and risks of foreign offenders, and to enhance their self-development and rehabilitation, recommendations for each individual case study are made.

TSHOBOKANYO (SETSWANA)

Boleng ka botlalo le tshetshereganyo ya thuto ya patlisiso ya boitsholo jwa bosenyi jwa monna wa mogodi wa Mozambique le basiamolodi ba boditshaba ba Zimbabwe ba ba golegilweng kwa Setheong sa Kgopololo sa Losperfontein mo Aforika Borwa (Brits, Porofense ya Bokone-Bophirima) e ne ya dirwa. Mabaka, dintlha tsa kabelo le maitlhommo a bosenyi jwa bona di tihomamisitswe le ditlhokwa tsa keriminojeniki le ditekelelo di lemogilwe. Mokgwa wa basiamolodi o ne wa tlhaloswa mo letlhakoreng la ditiori tsa keriminoloji, tse di akaretsang karolo ya thanolo le tshetshereganyo ya data. Diphitlhelelo di tshitshinya gore ditlhokwa le ditekelelo tsa basiamolodi di farologana le tsa basiamolodi ba mo gae. Go sekaseka ditlhokwa tsa keriminojeki le ditekelelo tsa basiamolodi ba boditshaba le go oketsa boitlhabololo jwa bona le tsosoloso, dikatlenegiso tsa dithuto tsa patlisiso dingwe le dingwe di dirilwe.

KAKARETŠO (NORTHERN SOTHO)

Go dirilwe tshekatsheko ya nyakišišo ye e tseneletšego ya khwalithethifi ya maitshwaro a bosenyi a basenyi ba banna ba dinagašele ba Mozambique le Zimbabwe ba ba golegilwego ka Senthareng ya Tshokollo ya Losperfontein (Brits, Profenseng ya Bokone Bophirima) ya Afrika Borwa. Dibakwa, mabaka a seabe le mabaka a bosenyi bja bona di laeditšwe gomme go hlaotšwe le dinyakwa tša bona tša mabaka a tshenyo le dikotsi. Maitshwaro a basenyi a hlalositšwe go ya ka diteori tša bosenyi, tšeo di bopago karolo ya tlhathollo le tshekatsheko ya datha. Dikutullo di

šišinya gore dinyakwa le dikotsi tša basenyi ba dinagašele di fapana le tša basenyi ba go belegelwa ka mono nageng. Go šogana le dinyakwa tša mabaka a tshenyo le dikotsi tša basenyi ba dinagašele le go matlafatša boihlabollo bja bona le tshokollo, go dirilwe ditšhišinyo tša nyakišišo ye nngwe le ye nngwe.

KEY TERMS:

Offenders, Foreign Nationals, South African Correctional Centre, Case Study, Criminological Assessment, Criminogenic Needs, Risks, Self-development, Rehabilitation, Southern African Development Community, Prisoners Transfer Agreement.

LIST OF ABBREVIATIONS

A&R	Admission and Release Correctional Centre System
ABET	Adult Basic Education and Training
AET	Adult Education and Training
BDS	Belief Diversity Scale
CAO	Correctional Assessment Official(s)
CARAS-Ver6-	Colorado Actuarial Assessment Scale version 6
CAT	Case Assessment Team
CATAS	Comprehensive Adult Testing Achievement System
CIO	Correctional Intervention Official(s)
CMA	Case Management Administrator
CMC	Case Management Committee
COMPAS	Correctional Offender Management Profiling for Alternative Sanction
CPA	Canadian Psychological Association

CRIMSA	Criminological and Victimological Society of Southern Africa
CRT	Case Review Team
CSC	Correctional Service Canada
CSP	Correctional Sentence Plan
DCS	Department of Correctional Services
DH	Department of Health
DHA	Department of Home Affairs
DOC	Department of Corrections
DRDC	Denver Reception Diagnostic Centre
DSD	Department of Social Development
FET	Further Education and Training
GIS	Geographic Information Systems
IRIN	Integrated Regional Information Network
LMN	Limpopo, Mpumalanga, and North West (three South African Provinces clustered together by the DCS to form a region)

LS/CMI	Level of Service/Case Management Inventory
LSI	Level of Supervision Inventory
LSI-R	Level of Service Inventory-Revised
MOU	Memorandum of Understanding
NACRO	National Association of Care and Resettlement of Offenders
NGO	Non-Governmental Organisation
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders
NOMS	National Offender Management Services
OAA	Offender Accountability Act
OASys	Offender Assessment System
OGP	OASys General reoffending predictor
OIA	Offender Intake Assessment
ONA	Offender Needs Assessment
OVP	OASys Violence Predictor

PACT	Pennsylvania Addictive Classification Tool
RST	Risk Screen Tool
SADC	Southern African Development Community
SAQ	Self-Appraisal Questionnaire
SCI	State Correctional Institute
SFS	Salient Factor Score
SIR	Statistical Information for Recidivism scale
SOA-R-	Standardized Offender Assessment Revised
SRA	Static Risk Assessment
SRA2	Static Risk Assessment version 2
SRAC	Sports, recreation, arts, and culture
STRONG	Static Risk and Offender Needs Guide
STRONG-R-	Static Risk and Offender Needs Guide Revised
UK	United Kingdom

UNISA	The University of South Africa
USA	United States of America
VOD	Victim Offender Dialogue
WCC	Washington Corrections Centre
WCCW	Washington Corrections Centre for Women

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CHAPTER 1

ORIENTATION OF FOREIGN OFFENDER ASSESSMENT

1.1 INTRODUCTION

The Department of Correctional Services' (DCS) White Paper on Corrections, as a cornerstone policy, classifies foreign offenders as a special category (DCS, 2005:171). In correctional terms, it can be argued that foreign offenders are a forgotten population (Monacks, 2017:1) particularly relating to their needs and risks assessment, offender management, rehabilitation, and recidivism. In South Africa, the only research conducted on foreign offenders in a correctional centre took place in 2011. A Professor in Criminology at the University of Kwazulu-Natal, Shanta Singh, examined experiences of foreign, awaiting-trial offenders after a myriad of xenophobic attacks on foreigners in 2009, and accusations that foreigners were responsible for the rise in crime (Singh, 2011:1). However, Professor Singh's research solely focused on awaiting-trial foreign offenders and excluded sentenced foreign offenders. Her research neither examined awaiting-trial foreigners' crimes, nor their needs and risks for rehabilitation purposes.

The aforementioned 'forgotten population' argument can be found in the 2015 widespread xenophobic attacks on foreign nationals in South Africa, that made global news and resulted in outcries and criticism against the ruthless treatment of foreign people (Dixon, 2016:1). The South African Government's response to intolerance, violence and xenophobic attacks directed at immigrants is unconvincing and superficial, notwithstanding the protests against anti-immigrant violence by many South Africans (Khumalo & Powell, 2016:1; Ratlebjane & Pather, 2016:1). Evidently, foreign nationals received much attention and support (Dixon, 2016:1; Khumalo & Powell, 2016:1), while the treatment of their incarcerated counterparts has been overlooked in corrections (Moodley, 2016). Moreover, compared to other offenders (offenders with disabilities, elderly offenders, child and youth offenders and female offenders) classified as a special category, foreign offenders are being omitted as a target group for research in the DCS' Research Agenda (2019-2023) (DCS, 2019:5)

This disregard of foreign offenders is evident in the 'one-size-fits-all' assessment and rehabilitation approach (Herbig & Hesselink, 2012:30) implemented by the DCS for all offenders, irrespective of age, gender, specific crime committed and offender population (i.e. foreign offenders). Despite their marginalised status (Han, 2010:1), foreign offenders are treated the same as South African offenders with regard to custodial assessment practices and subjected to the same rehabilitation programmes as South African offenders (Moodley, 2016). The lacuna in regard to the treatment of foreign offenders can be assigned to the fact that this population is incarcerated, or that researchers and the DCS are not yet aware of the sui generis need to render offender-specific rehabilitation to foreign offenders (Moodley, 2016).

Cook and Seglow (2014:24) proffer that disadvantaged groups - such as immigrants - who face social and economic difficulties and who are excluded on the grounds of their identity, language, or ethnic associations, are marginalised from the mainstream community they find themselves in. These criteria can be applied to foreign offenders housed in the DCS, based on their limited access to indigenous assessment and rehabilitation services, that consider their origins and unique needs and risks.

The DCS's White Paper on Corrections (2005:171), avers that the rehabilitation programmes offered by the DCS are tailor-made for all offenders, regardless of gender, age, type of crime committed, and the motivation behind the crime (Herbig & Hesselink, 2012:30; Moodley, 2016). The DCS's White Paper on Corrections (2005:171) further states that rehabilitation requires extensive resources (i.e. correctional staff, professional staff, and rehabilitation programmes) and that it is not justifiable to focus limited resources on offenders (foreigners) who may not benefit from or understand the contents of those programmes.

In the international arena pertaining to foreign offender assessment, extensive research (Bhui, 2016:267; Warr, 2016:302) has been conducted, to wit, Canada, the United Kingdom (UK) and the United States of America (USA). Concern over the immigration-crime nexus has a long-standing history in the USA that dates to colonial times; with considerable policy and research attention paid since the turn of the twentieth century (Freilich & Newman, 2007:12). Numerous countries, including the UK and the USA, have conducted research (Prison Reform Trust, 2014:4) focusing on the prison experiences of foreign offenders, immigration laws, increase

in foreign nationals convicted in their courts and incarcerated in their correctional systems. Despite the extensive international research on foreign offenders, they are still often treated in the same manner as South African citizens in terms of their needs and risks, and the rehabilitation programmes they are exposed to (Moore, 2015: 3).

Moving back to a South African perspective regarding foreign offenders, Molatlhwa (2012:1) postulates that there is an increase of foreign nationals living in South Africa particularly from neighbouring countries such as Mozambique and Zimbabwe. Adding to this, Sokutu (2018:1) cites that South Africa is a host of 2.2 million legal immigrants and approximately one million undocumented foreigners. Further, recently, South Africa has faced the problem of illegal immigration (Naicker, 2016:2; Schippers, 2015:18). This situation is not unique to South Africa, but common in many high-income/developed nations worldwide (O' Grady, 2012:1). For many people who find themselves in dire poverty, or those displaced by political unrests, and/or migration; legal or illegal immigration becomes their only way of escape and hope for a better life (Ngomane, 2010:17). For instance, South Africa's mineral opulence (large gold, platinum group metals and diamond mining industries) serves as a magnet for both legal and illegal immigrants (Schippers, 2015:18). Often foreigners are blamed for the increase in crime, and for swamping social and health care services dedicated for the South African population (Geldenhuys, 2018:20; Madue, 2015:63; Naicker, 2016:2).

Regarding foreign offenders (whether on trial or convicted), the DCS is responsible for detaining under the same humane conditions afforded to South African offenders, in order to foster their rehabilitation (DCS's White Paper on Corrections in South Africa, 2005:35). In this regard, in 2011/2012, the DCS housed 6 025 sentenced foreign offenders which increased to 7 039 in 2015/2016. This accentuates a 16.83% increase in incarcerated foreign offenders over a five-year period (Department of Correctional Services, 2016:22). Of the 7 039 (in 2015/2016) sentenced foreign offenders in South African correctional centres, the majority were male, while 1 014 foreign offenders came from Mozambique, and 2 590 were natives from Zimbabwe (Department of Correctional Services, 2016:22). However, South Africa does not have the largest foreign offender population in the world; in 2018, foreign offenders

in England and Wales comprised 11% of the total prison population (Sturge, 2018:10).

Despite the predominance of sentenced, male, foreign offenders from Mozambique and Zimbabwe, and their continued increase in custody numbers, there is a research void and knowledge gap in South Africa, regarding the analysis of foreign offenders' criminality and identifying their needs and risks for the purpose of rehabilitation (Moodley, 2016).

Ground-breaking research, which resulted in the introduction of custodial assessment in South Africa, was conducted by Hesselink-Louw in 2004. She examined the needs and risks of adult male South African offenders; however, her research excluded sentenced male foreign offenders. Since then, several offender assessment research endeavours focused on South African male and female offenders (Dastile, 2015:26; Dastile, 2014:04; Hesselink & Mostert, 2014:39) have occurred in South Africa, but none focused exclusively on foreign male offenders. Since little is known about the needs and risks of foreign offenders from Mozambique and Zimbabwe, the researcher intends to lay the foundation for further research in this area.

For rehabilitation to materialise, the in-depth assessment must be conducted regarding foreign offenders' criminal behaviour (Hesselink & Booyens, 2014:3). Offender assessment lays at the centre of most correctional institutions' programmes and serves as the heartbeat of every Corrections Department, which aims to rehabilitate offenders (James, 2015:2). Through assessment, the unique needs, and risks of foreign offenders, regarding the possible harm and dangerousness they pose to themselves, fellow inmates, and the correctional officials, can, for instance, be identified (Moore, 2015:2).

1.2 PURPOSE OF THE STUDY

This study aims to address the identified research gap by conducting a criminological offender assessment, of African, adult, sentenced, male foreign offenders from Mozambique and Zimbabwe. The emphasis of this research is to identify the causes, motives, and contributory factors of their criminal behaviour; to determine their needs and risks for focused rehabilitation efforts. Thus, this research aims to serve as a

prelude intended to galvanise discussions within the criminal justice system, particularly within the DCS, regarding the assessment and rehabilitation of Mozambican and Zimbabwean foreign male offenders.

Derived from information gathered on the assessment of adult male Mozambican and Zimbabwean foreign offenders, crime-related and crime causation areas such as the offenders' personal, childhood and family backgrounds, adult experiences, intimate relationship history, social, and environmental influences will form the basis of the criminological assessment. The outcome of the assessment will be used to determine individualised and unique sample-specific (adult male Mozambican and Zimbabwean) needs for treatment criteria for the DCS professionals (i.e. psychologists and social workers for programme participation). The risks posed by the adult sentenced male foreign offenders from Mozambique and Zimbabwe to society, themselves, the DCS officials, fellow inmates, and in terms of recidivism risks will thus be explored in this study.

1.3 PROBLEM STATEMENT AND THE RATIONALE

Creswell (2014:20) and Kumar (2014:64) opine that formulating a research problem simply means clarifying the reason(s) why there is a need for the intended research study. Need in this context derives from the gap in knowledge in existing literature, and research endeavours in South Africa, about the needs and risks of the sample-specific African, adult male offenders, and the paucity of research focused on this specific offender population. Foreign offenders' in the DCS are a 'forgotten population' perhaps because the DCS's White Paper emphasises that the focus of rehabilitation should be South African offenders. This research study is thus necessary as it addresses this lack in scope and focuses on the criminological assessment of selected adult male offenders from Mozambique and Zimbabwe, incarcerated at Losperfontein Correctional Centre (Brits) in the North West Province, South Africa.

The findings of this study may be of significance to the DCS in terms of an offender-specific (adult male Mozambican and Zimbabwean foreign offenders) focus during revised rehabilitation efforts. The offenders' needs and risks identified in this research endeavour may assist the DCS to develop offender-specific rehabilitation programmes. It is trite that there is an increase in the number of foreign offenders in

South African correctional facilities. The increase compels offender-specific and individualised rehabilitation efforts, to address category specific needs and risks within the DCS (DCS, 2016:21).

The criminological analysis of the needs and risks of foreign offenders may give rise to practical applications. For instance, correctional professionals (i.e. psychologists and social workers) might use the core of the assessments (particularly the identified criteria linked to the needs and risks of the sample-specific foreign offenders) for therapy, and consequently to develop offender-specific rehabilitation programmes.

This research can also serve as a foundation or pilot study for more in-depth research on the sample-specific offender population. Concisely, this research serves to answer the motives, contributory factors, causes of criminal behaviour, and needs and risks of foreign offenders (in this context Mozambican & Zimbabwean offenders).

1.4 DEFINITION OF KEY CONCEPTS

The definitions below are fundamental to this research. The researcher clarifies them to ensure a general understanding of the phenomena addressed by this research.

1.4.1 Foreign Offender and Foreign National Prisoner

According to the National Association for the Care and Resettlement of Offenders (NACRO, 2010:01), the British definition of a foreign offender encompasses any person in prison, who is remanded or convicted of criminal charges, in breach of immigration laws, and who does not have an absolute legal right to live or remain in the UK. On the other hand, Banks (2011:1) and Macleod (2011:2) define a foreign prisoner as anyone incarcerated in a British prison but not classified as a British national. In South Africa, the Republic of South Africa's Immigration Act 13 of 2002 (Republic of South Africa, 2002:5), defines a foreigner as a person who is not a citizen of South Africa. The DCS (2016:22) refers to offenders who are not South African citizens, as foreign national offenders. DCS uses both definitions interchangeably. For this research, a foreign offender refers to an offender in custody of the DCS and who is not a citizen of the Republic of South Africa.

1.4.2 Criminological Offender Assessment

According to the Approved Risk Profile Management Policy of the Department of Correctional Services (2006:04), offender assessment is the analysis, evaluation, examination, determination and assessment of crime and criminal behaviour in all its facets. Hesselink and Mostert (2014:37) define criminological offender assessment as an in-depth elaboration on the causes, contributory factors and high-risk factors that direct a person into criminal behaviour. According to Craig, Dixon, and Gannon (2013:69), criminological offender assessment refers to a holistic evaluation of an offender's circumstances (personal and familial history, social and educational history, employment, and criminal history) in order to identify contributing factors that resulted in him committing a crime. Criminological offender assessments assist in identifying needs and risks, classifying offenders into security risks and for treatment purposes (Van Voorhis & Salisbury, 2016:65).

For this research, criminological offender assessment includes relevant aspects such as precursors, contributory factors, causes, motives, offender characteristics and influences that can be linked to foreign offenders' crime, criminality, and offending traits. Factors such as the offenders' personal, family, and social background, and child and adulthood experiences/influences can for instance determine foreign offenders' personal needs (i.e. addiction to drugs, lack of self-control and susceptibility to criminal influence), risks (i.e. escape, suicidal tendencies and recidivism) and responsiveness (treatability).

1.4.3 Criminogenic Needs

According to Casey, Elek, Warren, Cheesman, Kleinman and Ostrom (2014:6), criminogenic needs are factors or offender characteristics (anti-social and pro-criminal attitudes) that are amenable to treatment through a specific programme. Kinard and Johnson (2014:2) and Dissel (2012:9), postulate that criminogenic needs refer to the factors (i.e. anti-social peers, poor attitude towards work and the law, and substance abuse and addiction) which should be targeted through the delivery of rehabilitation services. Criminogenic needs emanate from the offender's personal circumstances (i.e. broken relationship with loved ones and lack of support from the family and mental health problems) and environmental conditions (i.e. lack of education, being a gang member, alcohol, or substance abuse) (DCS, 2012a:17).

Kinard and Johnson (2014:2) define criminogenic needs as the characteristics, traits or problems of an offender that directly correlate to his likelihood of reoffending or committing another/same crime. Criminogenic needs simply refer to offenders' dynamic or changeable factors (lack of respect for authority and the law, anti-social attitude, pro-criminal attitude and lack of job skills and knowledge) (James, 2015:3; Wooditch, Tang & Taxman, 2014:277).

For the purpose of this study, criminogenic needs refer to dynamic factors such as alcohol abuse, lack of education, pro-criminal attitude, lack of support system, inadequate life skills, aggression, and susceptibility to criminal influence; that might have had a profound influence on the offenders' criminal behaviour, but which are amenable to treatment.

1.4.4 Risks

According to Casey *et al.* (2014:6), risks refer to the likelihood that an offender will re-offend. The DCS (2012a:17) define risks as the threat an offender poses to society, other offenders, themselves, correctional officials, and the probability that an offender will re-offend or engage in further criminal activities. Huss (2014:112) defines risk as a predictive possibility that the offender will re-offend. James (2015:3) and Merlone, Manassero and Zara (2016:3538), sum-up risks as factors (age at first arrest and conviction, past criminal behaviour, previous history of substance abuse, high impulsivity, previous mental health problems and past history of violating terms of probation or parole) that can influence the offender to relapse into crime.

For this research, the researcher augments the risk factors as pointed out by James (2015:3) and Merlone *et al.* (2016:3538) to include factors such as escape history, family criminality and number of prior convictions and incarcerations, that can influence or provide foreign offenders with the opportunity to re-offend.

1.4.5 Rehabilitation

Various definitions of the term rehabilitation exist. According to Conklin (2013:440), rehabilitation is the restoration of criminals to law-abiding citizens through treatment and planned interventions that focus on reducing future criminality. The DCS's White Paper on Corrections in South Africa (2005:71) defines rehabilitation as a process that combines the correction of offending behaviour, human development and the

promotion of social responsibility and values. Louw (2013:16) states that rehabilitation is a process of providing offenders with a variety of services for development and treatment programmes, while under the control of the DCS. It is designed to reduce the probability of future criminality and in order to form productive members of society. On the other hand, Hesselink-Louw (2004:30) explains rehabilitation as a cross-disciplinary development, treatment, multidisciplinary intervention, correction, reformation, and alteration of criminal and anti-social behaviour.

For the purpose of this research, rehabilitation is defined in line with Hesselink-Louw (2004:30) but extends the content of her definition. In this research, rehabilitation is defined as a cross-disciplinary development and multidisciplinary intervention, aimed at addressing the causes, contributory factors, and motives of a foreign offender's criminal behaviour, in order to treat or address his risks and needs, and ultimately to reduce his likelihood of recidivism.

1.5 METHODOLOGICAL OUTLAY

This research employs a qualitative approach and is based on a case study analysis (Starman, 2013:31; Yin, 2014:15). Criminological assessment of sentenced, foreign, adult, male offenders from Zimbabwe and Mozambique, will form the centre of the case study analysis. The researcher will conduct an in-depth assessment of six case studies (foreign offenders) from the abovementioned countries focussed on the causes, motives, and contributory factors of their criminal behaviour, to determine their needs and risks. A case study analysis affords the researcher the opportunity to conduct an in-depth analysis of the sample-specific offenders (Creswell, 2014:14).

A qualitative approach provides the researcher with an in-depth understanding of foreign offenders' needs and risks for offender-specific assessment and rehabilitation purposes (Ritchie, Lewis, Nicholis & Ormston, 2014:4). Corroborating this, Struwig and Stead (2013:12) opine that qualitative researchers are interested in understanding the issue from the perspective of the research participants. In this regard, African, adult, sentenced, male, foreign offenders from Mozambique and Zimbabwe will be assessed. Therein their causes, motives and contributory factors relating to their criminal behaviour are evaluated to identify their needs and risks for rehabilitation efforts.

1.5.1 Goals and Objectives of the Research

The goal of this research is explorative. An explorative goal is typical when a researcher is examining a new interest, or when the subject itself is novel and unstudied (Babbie, 2013:92, Neuman, 2014:30). The aim of this research study was to conduct a criminological assessment of sentenced, adult, African, male, foreign offenders, from Mozambique and Zimbabwe; to identify the causes, motives and contributory factors related to their criminal behaviour. The criminological assessment focused on an in-depth analysis of the offenders' crime and criminality in totality. Individualised and unique sample-specific needs and risks indicators were determined, to establish criteria for treatment and therapy, and for the development of DCS foreign offender- specific programmes.

This applied research based on interpretivist/constructivist paradigm and employs a qualitative approach to collect valuable information about foreign offenders' crimes and criminal behaviour, as well as the specific influences and circumstances that led to their incarceration (Mackenzie & Knipe, 2006:6). This criminological analysis enhances the understanding of foreign offenders' special needs and risks for rehabilitation application. Corroborating this, Kumar (2014:10) avers that applied research aims at studying a situation, issue, problem, or phenomenon so that the information gathered can be used to enhance understanding of a phenomenon. Due to the paucity of research regarding the needs and risks of this cohort of foreign offenders, applied research is necessary, as it is designed to offer practical solutions such as the determination of offender-specific needs and risks (Neuman, 2012:12).

This research can be of immense value to the group of foreign offenders included in the sample as it will bring their unique needs and risks to the fore. Furthermore, foreign offenders who require further intervention (therapy) from other professionals such as psychologists and social workers will be referred for further assessment. Since the DCS's White Paper on Corrections emphasises that all efforts in offering rehabilitation programmes be dedicated solely to South African offenders (DCS, 2005:171), this applied research will also inform the DCS regarding Mozambican and Zimbabwean foreign offenders' backgrounds and unique needs and risks. Thus, the results of this applied research might galvanise discussions on reviewing the DCS's

policy on foreign national offenders (De Vos, Strydom, Fouché & Delport, 2011:80; Remler, 2015:10).

1.5.2 Research Questions

Research questions refer to the questions that the study intends to answer and are often explained as questions that identify the phenomena to be studied (Gordon, 2016:11; Newsome, 2016:85). This research is guided by three research questions:

1. How do Canada, Washington State, Pennsylvania State Department of Corrections (international), and the South African DCS (national) treat foreign offenders incarcerated in their correctional facilities? Here, the researcher provides a historical background of offender assessment. The researcher also discusses the process followed to assess foreign offenders at the respective correctional departments, and the offender assessment tools applied. This provides a literature review for this research.
2. What are the causes, motives and contributory factors related to foreign, adult, male, Mozambican, and Zimbabwean offenders' crimes? To answer this question, this research will explore each offender's personal, familial, social, and educational influences as well as environmental factors that contributed towards his criminal behaviour.
3. What are the needs and risks of the sample-specific offenders for effective and individualised rehabilitation efforts, and prevention of reoffending and future dangerousness? Here, the researcher will determine each offender's needs and risks through the case study analysis.

The aforementioned research questions steered this research project and helped the researcher to focus on and achieve the goals of this research study (Heather & Jones, 2014:18; Martler, 2015:23).

1.5.3 Research Population and Setting

Six adult foreign male offenders from Mozambique aged 39 to 58 years and from Zimbabwe aged 36 to 41 years, incarcerated at Losperfontein Correctional Centre outside Brits in the North West Province, formed part of the case study analysis. The researcher is a former social worker at the DCS and worked at the same correctional centre from 2008 to 2011. His experience in working with foreign offenders piqued his interest in their needs and risks. Conducting research in one's area of work

provides the researcher with an advantage because he has research participants readily available (Thomas, 2016:98).

This research did not include offenders from other foreign countries (i.e. Lesotho, Botswana, and Nigeria) as they constituted the minority of foreign offenders at the Losperfontein Correctional Centre. Selecting offenders in terms of their origin (native countries) assisted the researcher to focus on the sample-specific offender population. International and national experts in different fields such as criminology, social work, penology, education and corrections will also be consulted and interviewed.

1.5.4 Sampling Techniques

The major reason for sampling is feasibility because a complete coverage of the total population is seldom possible (Gace, 2016:148; Ruane, 2016:231). This research follows a purposive sampling technique as the researcher used his judgment to select participants that represented the population. Neuman (2014:168) supports this sampling technique by stating that with purposive sampling, the researcher uses his own judgment in selecting cases, especially with exploratory research and field research. The selected sample included three offenders from Zimbabwe and three offenders from Mozambique.

A case study analysis is utilised to explore the selected foreign offender population's needs and risks for treatment, rehabilitation, and risk purposes. A case study analysis allows for small samples as the results cannot be generalised. In this regard, Neuman (2014:187) suggests that when the population is small (i.e. other foreign offenders at the correctional centre) the researcher must ensure that he includes as many participants as possible. However, when the population is large, as is the case with Mozambican and Zimbabwean foreign offenders at the correctional centre, a small sample is permitted.

1.5.5 Data Collection

The researcher used semi-structured, one-on-one interviews, based on a semi-structured interview schedule, including pre-identified broad themes to collect the data. Creswell (2014:193) posits that semi-structured interviews are suitable when the researcher is interested in complexity, or when the issue researched is too

personal. This research is personal as it focused on a group of offenders (Mozambican and Zimbabwean foreign offenders) and personal information came to the fore during the interviews (e.g. family background and criminal history of the participants). This research is a first-generation assessment (Andrew & Bonta, 2010:311), but it is based on and guided by a third-generation assessment (Casey *et al.*, 2014:33). The semi-structured interview schedule was compiled based on the third-generation assessment and themes were borrowed from OASys and LSI-R (see Chapter 2), third generation assessment tools.

1.5.6 Literature Review and Document Analysis

Apart from the data that the researcher obtained through semi-structured interviews, he also conducted an extensive literature review relevant to the assessment of foreign offenders to identify the gap in knowledge. The literature review also assisted the researcher to determine the structure of this research project. Additionally, a document analysis, consisting of the offenders' warrant of detention files and individual case management committee files, supplemented the semi-structured interviews. These documents contain valuable information such as the offenders' previous criminal records, nature and modus operandi of the crimes committed, and the behaviour of the offenders in the correctional facility. To augment the information collected through literature and documents analysis, the researcher interviewed several officials (experts) employed by the DCS regarding assessment tools and programmes available to foreign offenders during incarceration. Electronic communication (emails) was used to communicate with researchers from Colorado, Pennsylvania, and Washington State Department of Corrections (USA) to acquire information regarding foreign offender custodial assessment and assessment tools employed at these correctional institutions. Furthermore, a professor from Queens University in Canada, who is also the developer of SAQ assessment tool, was consulted. Their expertise and qualification are provided as Annexure F and G.

1.5.7 Validity and Reliability of Data

For any research study to be declared scientific, it must conform to the principle of validity and reliability (Ruel, Wagner & Gillespie, 2016:79). Validity and reliability are often used in quantitative research, but also apply to qualitative research as they refer simply to the accuracy, credibility and dependability of the data collected as

outlined in Chapter 4 (Martler, 2015:209). These concepts (validity and reliability) are explained below.

1.5.7.1 Validity

Validity means that a data collection instrument designed to gather information about phenomena must serve its intended purpose (Groth-Marnat & Wright, 2016:147). In this research, the data collection instrument was a semi-structured interview schedule containing themes such as family background, academic, work, and criminal history, with the aim to collect all the information regarding the offenders. This semi-structured interview schedule is valid as it aided the researcher to gather the information required to explain the causes, contributory factors, and motives of the Mozambican and Zimbabwean foreign offenders, and to identify their needs and risks. To authenticate and augment the information collected through interviews, the researcher also analysed documents such as warrants of detention and offenders correctional files to support the information gathered from the interview schedule.

1.5.7.2 Reliability

Reliability means that if the same tool is used repeatedly with the same methodology, it must yield the same results (Kumar, 2014:211). The researcher pilot-tested the semi-structured interview schedule, which was later used with the six cases for the main study, and the data yielded the same results.

1.5.8 Data Analysis and Interpretation

According to Neuman (2014:342), data analysis assists the researcher to infer, from the empirical details of social life, and to reach a conclusion based on evidence. Pre-identified themes used in the comprehensive assessment of foreign offenders were categorised into specific offender causes, motives, and contributory factors. The researcher further used the sample-specific foreign offenders' warrant of detention files and individual case management committee files to interpret their crimes and behaviour and to verify the offenders' personal accounts of their crimes. Criminological theories assisted the researcher to interpret foreign offenders' criminal behaviour. With qualitative research, the data collection, analysis, and theory intertwine to give an explicit explanation of offender behaviour (Flick, 2015:178).

The researcher used a case study method. Thomas (2016:10) defines a case study as an in-depth exploration, from multiple perspectives, of the complexity and uniqueness of an individual. A case study analysis provided a systematic inquiry into Mozambican and Zimbabwean foreign offenders to explore and explain their criminal behaviour, needs and risks (Yin, 2014:8). Essentially, a case study analysis is used to study in detail and to holistically understand each Mozambican and Zimbabwean foreign offender included in the sample. Therefore, every foreign offender will be studied in detail according to family background, educational and criminal history. The researcher outlines the causes, contributory factors, and motives and identifies needs and risks.

1.6 FEASIBILITY OF THE STUDY AND ETHICAL CLEARANCE

The researcher is an employee at the DCS. The College of Law's Ethics and Research Committee at the University of South Africa (UNISA) (see Annexure A) and the Ethical Committee for Research of the Department of Correctional Services (see Annexure B) granted ethical clearance for this research project. After both research committees approved the research proposal and granted the researcher permission to undertake this research with the foreign offenders, the researcher contacted the respective correctional centre to make arrangements to pursue the research project. Since the researcher was previously based at the Losperfontein Correctional Centre, he has established a good rapport with management and officials, and the gathering of data was eased by the good working relationships at the correctional centre. In conducting the research, the following ethics were considered as prescribed by the University's Ethics Guidelines.

1.6.1 Avoidance of Harm

It is essential to avoid harm to participants when undertaking a research study. According to De Vos *et al.* (2011:115), the researcher should inform participants beforehand about the potential impact of the investigation so that they can withdraw from the investigation if they wish to do so. Adding on this, the Criminological and Victimological Society of Southern Africa's (CRIMSA) Code of Conduct emphasises that the process of criminological research must not expose participants to the substantial risk of harm (CRIMSA, 2015:12). Researchers must try to ensure the

safety and security of research participants and project staff. The researcher informed the participants in this research study about the importance, therefore, namely, to conduct a criminological assessment of foreign offenders (Mozambicans and Zimbabweans) to analyse their criminal behaviour (causes, contributory factors, and motives) and subsequently to identify their needs and risks. The participants, however, did not identify or sustain any harm during the research process.

The researcher is a social worker by profession and during his, for three years of practice he, *inter alia*, interviewed and assessed both South African and foreign offenders of all security classifications. The experience of working in a correctional centre was of benefit to the researcher as he identified the challenge to conduct interviews, identify needs of offenders and referral to relevant professionals.

1.6.2 Informed Consent

Kumar (2014:244) emphasises that the principle of voluntary participation requires non-coercion into participating in research. De Vos *et al.* (2011:117) and Israel (2015:9) state that participants must be legally and psychologically competent to give consent and must be aware that they are at liberty to withdraw from the investigation at any time. After the Research Ethical Committee of the DCS granted the researcher permission to conduct research at the identified correctional centre, the researcher contacted the participants, informed them about the study and asked them to participate. The researcher provided the participants with letters of informed consent (see Annexure C) to ensure that they understood what the research entailed. These were voluntarily signed by the participants. This is in line with Ritchie *et al.* (2014:87) who state that participants should never be coerced to take part in a study, participation should be free, voluntary, and fully informed. The CRIMSA Code of Conduct (CRIMSA, 2015:10) explains that informed consent must be obtained when embarking on research projects involving human subjects and that the principles of ethical propriety, namely, fairness, honesty, and openness of intent, should be adhered to at all times. The researcher adhered to this principle and provided the participants with all the relevant information about the research and allowed them the opportunity to decide if they want to participate. Willing participants signed the provided informed consent form.

1.6.3 Conflict of Interest

Elliott, Fischer, Grinnell and Zigmond (2015:154) define conflict of interest as a situation that undermines the researcher's impartiality based on the clash between personal and professional interest. Although the researcher is an employee of the DCS, and also worked as a social worker at the same correctional centre at which the research was conducted, no conflict of interest was identified. Five years have elapsed between the research and the researcher's employment at Losperfontein Correctional Centre. Further, none of the participants was known to, or former clients of the researcher. The researcher submits that the research could benefit both the DCS and the participants as it could influence a change in policy. The research was approved and endorsed by the two independent research ethical committees (i.e. UNISA and the DCS) (see Annexures A and B), which substantiates the researcher claim that no conflict of interest occurred during this study.

1.6.4 Violation of Confidentiality

Neuman (2014:78) articulates that confidentiality means protecting the identity of the participants. A researcher must release the research data in such a way that it cannot be linked to any specific individual who participated in the research (Kumar, 2014:285). In this research, the researcher has ensured the participants' confidentiality. The names of the participants and the names of their family members were changed to avoid identification, and this ensured that the participants' anonymity is upheld. Although the researcher uses participants' verbatim quotes to support the analysis, responses do not link to a specific name of an individual participant.

1.6.5 Deception of Participants

According to Cowburn, Gelsthorpe and Wehidin (2016:24), deception involves the withholding of information or offering of incorrect information to ensure participation of participants when they would otherwise possibly have refused. On the other hand, Babbie (2013:38) states that deception is only acceptable if there is a methodological purpose for it, and even then, it should be used to a minimal degree where necessary. In this research project, the researcher informed the participants of the research content and context. Thus, the participants were not deceived. The

CRIMSA Code of Conduct states that the criminologists should not mislead the participants involved in a research project as to the purpose of their research (CRIMSA, 2015:10). The researcher explained to the participants what the research is about and that their participation is voluntarily, and that there will be no direct benefit from/for participating. Approval letters from both UNISA and the DCS ethical committees were provided to the participants to prove the researcher's authorisation for this research. Participants were also shown the semi-structured interview schedule to be used during the interviews. The duration of the interview (one hour and 30 minutes) was also explained to the participants. The researcher guaranteed the participants that their names and family members' names would not be used in the research. The researcher did not withhold any research information from participants, and thus, the participants were not deceived.

1.6.6 Storage and Safe-keeping of Data

All the information received during interviews or document analysis regarding participants was treated as highly confidential and locked in a lockable cabinet which only the researcher could access. The researcher will continue to safe keep the data for a period of five years as ethically required. The data will only be shredded after a five year period has lapsed.

1.7. DISSERTATION CHAPTER OUTLAY

This study will be in the form of a dissertation for degree purposes, and will comprise the following chapters:

- ❖ **Chapter Two:** a literature review of the custodial assessment of foreign offenders. This chapter presents facts on the international assessment of foreign offenders incarcerated in Canada, the USA, and the UK. The researcher consulted information from the countries' correctional service websites, and scientific journal articles related to the assessment of foreign offenders in general, to complement the information in this chapter.
- ❖ **Chapter Three:** National assessment of foreign offenders. The focus of this chapter is on the assessment of Mozambican and Zimbabwean foreign offenders and the programmes available, and services offered to these offenders incarcerated by the South African Department of Correctional Services.

- ❖ **Chapter Four:** This chapter presents the methodology applied to assess the sample-specific Mozambican and Zimbabwean foreign offenders housed at the Losperfontein Correctional Centre. A qualitative-explorative approach was applied to analyse case studies. The researcher used semi-structured interviews, based on a semi-structured interview schedule, together with a document analysis to gather the data. Within this chapter, the researcher outlines various criminological theories used to analyse and interpret the sample-offenders' behaviour.
- ❖ **Chapter Five:** A criminological evaluation of the case studies of foreign offenders and their specific crime analysis. This chapter presents the empirical study and analysis of the case studies. Criminological theories are documented here to provide insight into causes of and motives for criminal behaviour, identification of needs and risks, and explanation of the sample-offenders' crimes.
- ❖ **Chapter Six:** Conclusion, Summary and Recommendations. In this chapter, the researcher offers his conclusion and recommendations based on the research conducted.

1.8. CONCLUSION

Foreign offenders are categorised as a special population in the DCS, but *prima facie* remain 'forgotten'. Additionally, there is a vacuum in research regarding the needs and risks of this special category of offenders. This paucity in research is exacerbated by the policy mandate (DCS's White Paper in Corrections) that focus, and priority must be given to South African offenders regarding rehabilitation. Despite the void in research, the number of foreigners incarcerated in the DCS is increasing, particularly from countries adjoining South Africa, namely Mozambique and Zimbabwe.

This gap in research and the researcher's experience of foreign offender marginalisation provoked his interest. The researcher submits that these factors necessitate and warrant the above-proposed research, into the causes, motives, and contributory factors of this offender population's criminal behaviour. Consequently, the researcher will identify the needs and risks of Mozambican and Zimbabwean foreign offenders. This applied research follows a qualitative research approach wherein six foreign offenders from Mozambique and Zimbabwe are interviewed and

assessed. A semi-structured interview schedule will be used to collect data and will be supplemented by an analysis of correctional case files and warrants of arrest for the sample-offender.

CHAPTER 2

INTERNATIONAL ASSESSMENT OF FOREIGN OFFENDERS IN CORRECTIONAL INSTITUTIONS

2.1 INTRODUCTION

Globally, over the past two decades, offender assessment has received much attention which resulted in many correctional centres employing assessment as a strategy to deal with a growing number of offenders, to address their risks, needs and reasons for recidivism. Hilterman, Nicholls and van Nieuwenhuizen (2014:325) allude that offender assessment instruments are used to focus treatment interventions on offenders' criminogenic needs and to anticipate and reduce the risk of re-offending. Despite the publicity regarding offender assessment in general, limited international research is dedicated to identifying the causes, motives, and contributory factors of foreign offenders, in order to determine their needs and risks, and many police and institutional files lack information regarding foreign offenders' trajectory of crime (Van Daele, Vander Beken & Bruinsma, 2012:291). Corroborating this, Warr (2016:307) enunciates that little attention is given to the specific needs (lack of visitation and language barrier) and deprivations (liberty, autonomy, and heterosexual relationship) faced by foreign offenders during incarceration.

Although offender assessment provides correctional officials with a guideline on how to manage offenders in correctional facilities, Canton, and Hammond (2012:8) state that the National Offender Management Services (NOMS) employed in England and Wales, does not adequately address foreign offenders' needs and risks, supporting this, Bhui (2016:263) states that the approach to dealing with foreign offenders in England and Wales is driven by compliance with immigration legislation, and little attention is dedicated to their rehabilitation.

Foreign offender assessment brings to the fore the specific unique needs and risks of foreign offenders that should be addressed during their incarceration. Supporting this, Shaffer, Kelly, and Lieberman (2011:1) aver that assessment of foreign

offenders' risks and needs is an essential element in providing effective supervision and treatment strategies, particularly in that their needs differ substantially from the South African offender population.

Adequate and effective foreign offender assessment is imperative because an inaccurate assessment can jeopardise their chance for release when due for parole (Hilterman *et al.*, 2014:325). An incorrect assessment could result in continued incarceration, for foreign offenders who no longer pose risks, which then severely compromises the legitimacy of incarceration (Schmidt, Sinclair & Thomasdóttir, 2016:414).

The outcome of a risk assessment has serious implications for both the assessed foreign offender and society at large. For an individual foreign offender, the assessment will decide his freedom; for society and the court, it may determine whether a potentially dangerous criminal is released into the community, or deported to his country of origin (James, 2015:4). In 2006, inadequate assessment and management of foreign offenders resulted in the erroneous release of 1000 foreign offenders in England (Banks, 2011:185; Turnbull & Hasselberg, 2016:3).

This chapter focuses on the custodial assessment of foreign offenders incarcerated in correctional institutions in Canada, the USA, specifically Pennsylvania, Colorado and Washington State, and the UK, particularly England and Wales. The assessment tools used at these correctional institutions are discussed. Before focussing on foreign offender assessment, it is vital to explain the purpose of offender assessment and provide a brief overview of its historical development. The researcher further discusses the risks and needs of foreign offenders incarcerated worldwide.

The words 'prisoner' and 'offender' are used interchangeably in international sources employed in this chapter and are therefore similarly used here.

2.2 THE PURPOSE OF OFFENDER ASSESSMENT IN CORRECTIONAL INSTITUTIONS

Appropriate assessment is the cornerstone upon which all sound correctional practices are built. Whether for intake (i.e. classification), monitoring (i.e. treatment performance and supervision progress) or discharge (i.e. parole eligibility/probation termination); effective decision-making is based on reliable and relevant client assessment data (Miller & Maloney, 2013:716).

Unlike courts which are there to try, adjudicate and sentence those found guilty of a crime, correctional institutions exist to detain, mete out the sentences of the courts and rehabilitate both South African and foreign offenders. The question, however, which arises: how do correctional institutions rehabilitate foreign offenders, especially if they do not know the foreign offenders and their circumstances such as their family backgrounds and criminal histories? To answer this question, assessments are vital and available in correctional institutions to serve as a gateway to rehabilitation by determining foreign offenders' risks, needs, treatment and supervision. Assessment enables the professional correctional staff to understand the foreign inmates by providing them with a platform to ask questions and discuss their criminal behaviour. Alluding to this, James, (2015:4) explains that assessment is a means to distinguish between foreign offenders who are likely to re-offend and those who are at a lower risk for recidivism.

Bartol and Bartol (2017:535) maintain that assessment serves the following functions within a correctional centre:

- a) Aids decision-making by correctional officials about offender placement to provide a safe environment for all inmates and staff; by separating low-risk offenders from high-risk ones.
- b) Provides information for treatment, intervention, and rehabilitation.
- c) Assists in making predictions about recidivism and other risks to society by helping parole boards with their release decisions; and enables probation and parole officers to assign distinct levels of supervision according to risk.

In summary, similar to the medical profession where the doctors thoroughly examine patients, diagnose diseases, prescribe clinical interventions and monitor treatment

outcomes; offender assessment involves a process of identifying factors relevant to explaining the offence, selecting relevant treatment targets and appropriate intervention; and monitoring indications of change and preventing relapse (Miller & Maloney, 2013:716; Schmidt *et al.*, 2016:414).

2.3 HISTORICAL DEVELOPMENT OF OFFENDER ASSESSMENT: BRIEF SYNOPSIS

Offender assessment has been refined and modified over the years. Currently, offender assessment is categorised into four distinctive generations. Through ongoing research, the first to third assessment generations matured with time into the current fourth-generation assessment. The latter predicts offender risks and needs better than the first to third assessment generations. Fourth generation instruments provide greater guidance in the management of risks and needs by highlighting the importance of responsivity factors, namely substance abuse aggression and pro-criminal attitudes (James 2015:6).

The following section outlines the first to fourth assessment generations. The researcher further discusses the pros and cons of each generation.

2.3.1 First Generation Assessments

The Washington State Institute of Public Policy (2014:1) states that for the first half of the 20th-century assessment of offender risk was left in the hands of correctional staff (correctional officers and probation officers), and clinical professional (social workers and psychologists). Guided by their professional training and experiences, the correctional officials and clinical professionals made a judgement as to who required enhanced security and supervision.

To clarify how the first-generation assessments were completed, Andrew and Bonta (2010:311) and Public Safety Canada (2015a:1) provide the following example: a professional - trained in the social sciences - interviews an offender in a relatively unstructured manner. The clinician may ask the offender basic questions, but for the most part, there is considerable flexibility in the questioning. At the end of the information gathering, the professional employs his own discretion regarding the

offender's risk to the community and his treatment needs. Thus, in this first generation, the assessment of risk is a matter of professional judgement. Unsurprisingly research has found it to be inferior to objective and structured methods of prediction (Huss, 2014:103).

The fallibility of the first-generation assessment is further highlighted by Bonta and Andrew (2017:342) and Baird, Healy, Johnson, Bogie, Dankert and Scharenbroch (2013:1). These researchers argue that unstructured clinical judgements are inadequate for a number of reasons, including being their inability to predict recidivism rates, practice of weighting factors in a manner inconsistent with research, and employing a process of classification based on erroneous mental heuristics, such as previous criminal or anti-social behaviour, based in part on past experience with a limited sample. To vividly explain this, Moore (2015:2) offers the following example: clinicians who have worked with substance abusers may view substance abuse as more or less associated with criminal behaviour depending on their own experience with clientele. Clinicians may assign a score to this variable (substance abuse) at a different level than found in empirical research.

The main shortcomings of the first-generation assessments are that they are not empirically validated and are subjective. Although it may be flattering to clinical professionals to be viewed as having expertise in offender risk prediction, the evidence suggests that they are poor prognostician if they fail to attend to empirically validated risk factors in a structured way (Bonta & Andrew, 2017:31). A major critique of first-generation assessment is the subjective basis of their application, which inevitably led to inconsistent treatment of offenders (Craig *et al.*, 2013:71).

Despite the fact that first generation assessments are viewed as unreliable, certain accredited sources support the use of first-generation assessments. According to Ireland, Ireland, and Birch (2009:28), research demonstrates that professional judgement and predictions are more accurate and improve over time because assessors are consumers of scientific literature and pay attention to relevant research findings pertaining to offender assessment. Another recognised source which supports the contemporary employment of first-generation assessments is Arnold (2007:4); he maintains that there are instances where first-generation

assessments are relevant, such as when there are no other relevant assessment tools available for use.

Currently, there is no specific research regarding the assessment of foreign offender needs and risks in the South African DCS. This warrants the current study and the use of first-generation assessment (semi-structured interview schedule that incorporates professional judgement).

2.3.2 Second Generation Assessments

The second-generation assessments were developed to improve the weaknesses of the first generation (Barton-Bellessa, 2012:400). Risk assessment accuracy improved with the development of standardised instruments that use actuarial or statistical measures predictive of criminality (Miller & Maloney, 2013:718). The second-generation overcame the subjectivity of the first-generation assessments. The second-generation assessments are more objective and leave less room for subjective interpretation, and are more structured because they involve statistical, evidence-based estimates of risk (Laws & O' Donohue, 2016:27). Moreover, research reviews showed that actuarial instruments performed better than clinical or professional judgements when making predictions of human behaviour (Public Safety Canada, 2015a:1) The hallmark of second-generation assessment tools is that they are atheoretical and depend on the observation of reliable past behaviour (Hoberman & Phenix, 2016:406). The Salient Factor Score (SFS) is an example of a second generation assessment and consists of seven items measuring socio-demographic (e.g. age at first commitment, employment and drug history), and criminal (number of convictions, type of offences, number of incarcerations and parole history), type variables (Barton-Bellessa, 2012:403; Public Safety Canada, 2015b:1).

Although second-generation assessments performed better than their predecessors (first-generation assessments), they had some shortcomings. Second generation assessments were empirically based risk instruments but atheoretical and consisted mostly of static items (Bonta & Andrews, 2017:313; Laws & O' Donohue, 2016:27). Moreover, items such as criminal history and other factors that sample past behaviour are treated as static and immutable risk factors (Canada Department of

Justice, 2015:1). The second generation, static risk assessments can be useful for classification purposes but are constrained by an inability to contribute to effective treatment planning and on-going evaluation of offenders (Moore, 2015:2). The scales in second generation assessment instruments do not account for offenders changing for the better. Second generation assessments failed to include dynamic factors (alcohol and drug use and educational background) that allow for change over time, indicating whether an individual's level of risk has increased or decreased, such as successful completion of treatment (Barton-Bellessa, 2012:4). These shortcomings paved the way for the third-generation assessments discussed below.

2.3.3 Third Generation Assessments

According to Canada's Department of Justice (2015:1), in the late 1970s and early 1980s research began to develop in assessment instruments and comprised of both static and dynamic risk factors, due to the recognition of the limitations of second-generation assessments. Dynamic factors refer to factors that can change over time through rehabilitation and correct treatment. Examples of dynamic risk factors include substance abuse, pro-criminal attitude, anti-social attitudes, and anti-social peer associations (DCS, 2012a:20, Walters, 2012:272).

Unlike the two previous generations assessments, third-generation assessments are theoretically driven and allow for the identification of criminogenic needs such as criminal association, criminal attitude, and employment status (Andrews, Guzzo, Raynor, Rowe, Rettinger, Brews & Wormith, 2012:116; Chenane, Brennan, Steiner & Ellison, 2015:288). Supporting this, Walters (2014:297) asserts that the third-generation assessments encompass the social learning theories. To briefly summarise, the theories comprised in the second generation maintain that criminal behaviour is learned through interaction with criminals and that learning includes the techniques for committing crime, motives, rationalisations, and attitudes (Schmallegger, 2014:105).

According to Public Safety Canada (2015b:1), third generation risk instruments are sensitive to changes in an offender's circumstances and these instruments also provide correctional staff with information as to what needs should be targeted during the intervention. The advantages of the third generation instruments are that

they are particularly useful in guiding the delivery of rehabilitation services - meaning they identify the offenders' needs and assist the professional regarding what intervention or rehabilitation programmes are needed to address the offenders' identified needs - and measuring change - meaning that upon involving an offender in a rehabilitative programme, the tool can inform a professional whether the offender's identified needs are addressed or not, which is often a significant focus of correctional institutions (Barton-Bellessa, 2012:400).

The third-generation assessments distinguished themselves from the second-generation assessments in that they measured offenders' risks and needs. The Wisconsin Risk Needs assessment instrument developed by the Wisconsin Department of Corrections (1975-1979) (Henderson, Daniel, Rambert & Adams, 2017:95), and the Level of Service Inventory-Revised developed by Andrews and Bonta in collaboration with Ontario Ministry of Correctional Services (1995), are two examples of the third generation risk/needs instruments (Andrews & Bonta, 2010:314; Casey *et al.*, 2014:33).

2.3.4 Fourth Generation Assessments

Translating knowledge gained through research into practice is not a trivial task. Having professionally researched, evidence-based assessment treatment/intervention methods does not mean that they will be easily implemented - a lack of training for officials and lack of resources often impede implementation (Andrews & Bonta, 2010:319). Additionally, the demographics of the offender population and their criminal behaviour pattern change over time. Continuous research is important and necessary to keep up with the challenges encountered in practice. As a result of new challenges and previous assessments not being adequate to explain criminal behaviour, fourth generation offender assessment instruments have emerged (Miller & Maloney, 2013:718). These new instruments not only assess offender risks and needs but also assess factors that are indispensable in case management (e.g. assessment of strength) and provide structured intervention plans for supervising offenders (International Centre for Criminal Law Reform and Criminal Justice Policy, 2012:117).

Barton-Bellessa (2012:4) explains that the major goal of the fourth-generation assessment instruments is to strengthen adherence to the principles of effective

treatment. This implies that the fourth-generation assessment instruments combine the intake/initial assessments with reassessments and prescribe treatment plans and services. In addition, fourth generation assessments facilitate clinical supervision dedicated to augmenting public protection from recidivists. Casey *et al.* (2014:4) offer the following as examples of fourth generation assessment instruments: Level of Service/ Case Management Inventory (LS/CMI) and the Correctional Offender Management Profiling for Alternative Sanction (COMPAS).

2.4 ASSESSMENT OF FOREIGN OFFENDERS IN CANADA, THE UNITED KINGDOM, AND THE UNITED STATES OF AMERICA

In modern correctional facilities, incoming South African and foreign offenders are housed in specific facilities for assessment and classification purposes. These facilities are called by various names such as a reception centre, diagnostic centre, reception and assessment centre or a classification centre, but what they have in common is a process (Correctional Services Canada, 2014:1). At these centres, foreign offenders are assessed, interviewed, and their criminal history files are reviewed; classified, placed at relevant housing units, and referred for appropriate correctional programmes (Correctional Services Canada, 2014:1). Since various corrections departments (i.e. the United Kingdom and the United States of America) follow the same process during the assessment, only Canadian assessment procedures will be discussed in detail below.

2.4.1 Correctional Service Canada

The Correctional Service Canada (CSC) is the federal government agency responsible for administering and meting out sentence periods of two years and more, as imposed by the courts. When foreign offenders are eligible for parole, the CSC makes a recommendation to the National Parole Board based on the outcome of its assessment of the risks posed to society, and foreign offender's potential to reintegrate into society. The National Parole Board is an independent agency from the CSC, and thus also conducts its own assessment to determine foreign offenders' likelihood of reoffending (Parole Board of Canada, 2016:1).

2.4.1.1 Assessment of Foreign National Offenders in Canada

CSC affords foreign offenders the same rights and privileges as South African offenders (CSC, 2013:1). Therefore, like South African offenders, foreigners are subjected to assessment during their admission and throughout their incarceration. However, foreign offenders whose countries are signatories to the International Transfer of Offender Treaty which was signed in 1978, are assessed when admitted and the deportation procedures are followed for them to be transferred to their native countries to serve their sentences (Professor Wagdy Loza, Lecturer at Queens University, Canada, personal correspondence, 2013:1, United States Department of Justice, 2015:1). Foreign offenders whose countries are not signatories to the Treaty serve their sentences in Canada. It is vital to discuss the assessment process of offenders serving their sentences under CSC. According to CSC (2014:1), the following process takes place during the initial assessment phase.

2.4.1.2 Offender Intake Assessment (OIA)

Upon admission, foreign offenders are housed at the intake units. All offenders sentenced to two years and more are subjected to intake assessment, which is completed within a period of 90 days (CSC, 2015a:1). This category of foreign offenders undergoes a full assessment and referral process addressing their programme and security needs, which may include medical, psychological, psychiatric, employment and educational assessment (CSC, 2014:1, Public Safety Canada, 2015a:1). Additionally, offenders are provided with information and counselling regarding:

- Their rights and responsibilities;
- the mission statement of correctional service Canada;
- educational and vocational counselling;
- programme opportunities;
- rules and regulations governing the conduct of offenders;
- the security level of the institutions;
- policy and procedures on temporary absences, work releases and conditional release; and
- offender grievance process.

The intake assessment process is also divided into two stages, namely preliminary assessment, and supplementary assessment. The preliminary assessment is used to collect basic data on the offender, assess his immediate needs, initiate the collection of the offender's critical documents, and orientate the offender to the correctional centre (CSC, 2014:5). On the other hand, supplementary assessments are designed to provide information about the nature and severity of the specific dynamic factors and are used in decision-making for appropriate programme referrals. After these stages have been completed, the offender's security classification (maximum, medium, minimum) is determined based on his escape risk and public safety risk (CSC, 2012b:01). The decision to transfer the offender to a relevant housing unit is then made and based on how best to accommodate his needs and risks.

2.4.1.3 Completion of Correctional Plan

Once the placement to the relevant housing unit is made, a Correctional Plan is developed for each foreign offender based on the result of the Offender Intake Assessment (CSC, 2014:2; CSC, 2015a:1). The Correctional Plan is aimed at addressing the specific factors that relate to the foreign offender's criminal behaviour. CSC (2014:6) further explains that the Correctional Plan is the principal document that provides a comprehensive initial assessment of a foreign offender and an identification of proposed intervention. It is a benchmark against which progress on completing programmes identified during the assessment, can be measured throughout his sentence period. The Correctional Plan details all the programmes, interventions, and activities to be undertaken by the foreign offender to address the reasons that led to incarceration (CSC, 2015a:1).

2.4.1.4 Security Classification and Re-Classification

In every correctional centre, foreign offenders must be classified. Classification often emanates from the outcome of offender assessment and ensures that foreign offenders are housed at appropriate housing units based on their security levels (Carlson, 2015:51; Public Safety, 2015a:1). At the CSC, the security classification of a foreign offender is reviewed annually or bi-annually, but there must be a review when added information is provided which may lead correctional staff to recommend a change in security level (CSC, 2009:27).

Canada has always been at the forefront of research regarding offender assessment. In the late 1970s the Level of Supervision Inventory (LSI) was developed in Canada, and was revised (Level of Service Inventory-Revised /LSI-R) in the 1980s and now comprises 54 items that measure ten components of risk (i.e. offender's criminal history, education/employment, and finances, family/marital conditions, accommodations leisure and recreation, companions, alcohol/drug problems, emotional/personal issues, and attitude/orientation) (Moore, 2015:353; Sun 2013:28). According to Casey *et al.* (2014:04), the LSI-R is a theoretically based offender risk-needs assessment instrument that has the most all-embracing research literature among offender assessment instruments. Advocating its use, Neé, Ellis, Morris, and Wilson (2012:1350) maintain that the LSI-R can be used to predict criminal behaviour from a young age, is theoretically based and has two other important characteristics that make it more attractive to staff responsible for managing offenders, namely comprehensiveness (e.g. case management and predicting the offenders' risks) and the assessment of criminogenic needs (e.g. pro-offending attitudes, criminal associates, antisocial personality, aggression, unemployment, substance abuse, weak motivation, bullying behaviour, and risk to escape).

Since its development, the LSI-R has gained popularity for assessing offenders. It appears to be the most frequently used instrument for classification and assessment in corrections both in the United States and Canada (Sun 2013:8). The LSI-R is an actuarial assessment tool designed to identify an offender's risks and needs regarding recidivism (Casey *et al.*, 2014:34). This tool seeks to classify offender risks as well as to identify criminogenic needs. This tool was designed to aid in the assessment of risk and in making decisions regarding supervision for probation or parole (Multi-Health System, 2016:1).

It is argued that a good needs and risks assessment instrument must consider those items which best predict risk (static factors), and survey various need domains (dynamic factors). Static items are often the most powerful predictors of risk, as past behaviour is the best predictor of future behaviour (Simourd, Olver & Bradenburg, 2016:1426). On the other hand, needs assessment warrants evaluation of changing,

or dynamic realms (Harrison, 2012:38). The LSI-R meets this requirement because it comprises both static and dynamic factors (Dickinson, 2014:18).

Apart from the LSI-R, professionals in CSC also utilise the Self-Appraisal Questionnaire (SAQ), but it is not a mandatory tool (Loza, 2013). The SAQ is a risk and needs assessment measure that is unique in that it is the first self-report measure of violent and non-violent recidivism (Corrections Forum, 2015:1). Although the SAQ is a useful tool, some professionals are sceptical and hesitant to employ self-reporting measures because of the common belief that they are vulnerable to lying, faking, manipulation, and self-presentation biases (Loza, 2013). The SAQ was tested on Australian, British, Canadian, North Carolinian, Pennsylvanian and Singaporean offenders and its findings correlate with those of the LSI-R (Corrections Forum, 2015:1).

Prinsloo (2008:8) conducted a study to evaluate the reliability of the SAQ on South African offenders. He found that SAQ is a quantifiable and a meaningful actuarial scale with significant application potential in the multicultural South African context that warrants further research and scrutiny. A further study conducted by Prinsloo and Hesselink (2011:145), to test the reliability and validity of the SAQ on a South African offender population found:

- It may be valid for the use of identifying potential gang members.
- It could also be used to assist in the identification of offender needs, to guide the selection of appropriate institutional security levels and to devise appropriate intervention programmes for each individual.

The relevance and application of the SAQ to this study will be discussed later. In addition to the use of the SAQ, prior to the release of offenders from Canadian institutions, they are subjected to a Statistical Information for Recidivism Scale (SIR) assessment to predict recidivism. The SIR is a research initiative of the Canadian National Parole Board, and the information gathered through this tool is used to make decisions regarding offender release. It combines measures of demographic features and criminal history in a scoring system and predicts the probabilities of reoffending for diverse groups of inmates (CSC, 2015b:1).

2.4.2 The Prison Services in the United Kingdom

Apart from minor islands and overseas territories; the UK comprises of four regions, namely England, Wales, Scotland, and Northern Ireland. All prisons in England and Wales are managed by an executive agency called the National Offender Management Service (NOMS) which falls under the Ministry of Justice; while prisons in Scotland and Northern Ireland have their own separate arrangements (NOMS, 2016:1). Scottish Prison Services manage Scottish prisons while those in Northern Ireland are under the management of Northern Ireland Prison Services. The focus of this study will be on the custodial assessment of foreign prisoners in England and Wales.

2.4.2.1 Assessment of Foreign Prisoners in the United Kingdom

Prior to 2006, British citizens and all foreign offenders shared the same prisons. Due to the growing number of foreign prisoners in British prisons, some foreign offenders were released without proper procedure being followed, while other cases were not processed though eligible for deportation. The growing number of foreign prisoners in England and Wales has exaggerated the threat they pose to society, leading to their unequal treatment in the criminal justice system (Northern Ireland Assembly, 2011:6).

The discovery in April 2006, that over 1000 foreign national offenders had been released from the custody before immigration authorities could assess whether they should be deported, caused considerable media, public and political outcry, inflaming concerns about immigration and crime (Banks, 2011:185; Turnbull & Hasselberg, 2016:3). This negligence not only caused a political and public debate but also cost the then Home Secretary, Charles Clarke, his job as he had to resign.

After this embarrassing incident of negligence, which also reflected incompetence, the British Prison Services employed a different strategy that no other correctional department worldwide has ever employed. The British Minister of Justice, David Hanson announced that the Bullwood Hall and Canterbury prisons would be converted to incarcerate only foreign prisoners, under the purview of immigration

officers posted at these prisons to carry out the administrative duties and the facilitation of deportation orders (Turnbull & Hasselberg, 2016:3).

2.4.2.2 Assessment Tools in the United Kingdom

England and Wales utilise the national offender assessment tool called the Offender Assessment System (OASys) (Moore, 2015:2). OASys was developed by the Prison and Probation Services because none of the then existing tools and inventories fully met the requirements specified (OASys Manual, 2002:3). This risk assessment tool rolled out in the year 2002 to measure the risks and needs of criminal offenders (Insidetime, 2015:4).

There is no specific offender assessment tool for foreign offenders in the UK. OASys is an online approach for measuring risks and needs of all offenders and it further measures risk to self, to others, to children, to staff and to the community (Moore, 2015:3). OASys is considered to be the most advanced system of its kind and a principal risk assessment tool for the purpose of sentence management and resettlement (Insidetime, 2015:1).

According to Moore (2015:3), the aim of OASys is to deliver a common, efficient, and effective offender risk and needs assessment system that targets a reduction in reoffending and reconviction rates, and subsequently guarantees increased protection to the public. OASys is a sequence of computer-based forms which are broken down into ten different areas addressing each of the following factors (Insidetime, 2015:1; Moore, 2015:2):

- Offending history and current offence.
- Social and economic factors, including access to accommodation, education, training and employability, fiscal management and income, lifestyle and associates, relationships, and drug and alcohol misuse.
- Personal factors: thinking and behaviour, attitude towards offending and towards supervision and emotional factors such as anxiety and depression.

OASys can predict the likelihood of a foreign offender being reconvicted and the risk of harm he poses to the public (Howard & Dixon, 2012:290). This is carried out by

the two offending predictors: OASys general reoffending predictor (OGP) and the OASys violence predictor (OVP) (Insidetime, 2015:1). Additionally, the OASys contains a section on sentence planning as well as a self-assessment questionnaire which the offender is asked to complete (Insidetime, 2015:1). The questionnaire provides an important opportunity for a foreign offender to comment on how he sees himself and his offending (Howard & Dixon, 2012:290).

Although the OASys has advantages, Moore (2015:2) criticises OASys for not being user-friendly, being time-consuming and duplicating information. Another criticism of OASys is that it is highly subjective, which means that one qualified probation officer/correctional officer may not interpret the same information in the same way as another qualified probation officer or correctional officer (United Kingdom Justice Directorate, 2012:4). Despite criticism, OASys is employed to assess offenders sentenced to imprisonment for 12 months and more in the UK, and it serves the following objectives (OASys Manual 2002:3):

- Assess how likely an offender is to be re-convicted.
- Identify and classify offending related needs, including basic personality characteristics and cognitive behavioural problems.
- Assess the risk of serious harm to self and others.
- Assist with management of the risk of harm.
- Facilitate the link between assessments, supervision, and sentence plans.
- Indicate any need for further specialised assessments.
- Measure change during the period of supervision and sentence.

The relevance and applicability of OASys compared with other offender assessment tools will be discussed later in this chapter.

2.4.3 United States of America: Departments of Corrections

The United States of America is an extremely large country comprising of 50 states each with their own correctional departments. The focus will only be on the assessment of foreign offenders incarcerated in the following states: Washington State Department of Corrections (Washington State DOC), Pennsylvania

Department of Corrections (Pennsylvania DOC) and Colorado Department of Corrections (Colorado DOC). Upon admission of both South African and foreign offenders at these States, correctional institution assessment and evaluation begin. Offenders are subjected to a series of evaluations, including medical and mental health screenings, to determine potential custody issues and immediate mental health or medical needs (Washington State Department of Corrections, 2016:1).

Washington State, Pennsylvania and Colorado are signatories to the Treaty of International Transfer of Offenders (United States Department of Justice, 2015:1). Foreign offenders incarcerated in these States whose native countries are a party to the Treaty are transferred to serve their sentences in their country of origin with their consent (Mujuzi, 2013:155; United Nations, 2012b:9). However, those whose countries are not signatories to the Treaty serve their sentence in American. Washington State, Pennsylvania and Colorado DOCs follow the same route/ process during the intake and admission of offenders (Washington State Department of Corrections, 2016:1). The intake process will thus only be discussed in detail for the Washington State DOC.

These States employ the same assessment tools for both American and foreign offenders. The Level of Service Inventory-Revised (LSI-R) is an actuarial risk assessment instrument favoured by most correctional agencies including the United States of America (Ostermann & Salerno, 2016:555; Zhang & Liu, 2015:1475). Adding to this, Ostermann and Herrschaft (2013:293) state that the LSI-R is currently used in a variety of correctional contexts in the USA. It has been empirically demonstrated that the LSI-R has sound construct validity when tested on a number of populations (prison and community supervision) and the result from meta-analyses have demonstrated the predictive validity of the tool (Chenane *et al.*, 2015:288).

On the other hand, the LSI-R is also criticised for bias against African Americans. Ostermann and Salerno (2016:555) elucidate that the result of the LSI-R reflects a consistent pattern of more classification errors for African Americans than for Caucasians. Blacks were more likely to be under classified than whites when predicting the disciplinary outcome, but more likely to be overclassified when

predicting adherence to programmes. Although the LSI-R is also used to assess female offenders, there is an argument that females commit a crime for reasons different to those of men and, as a result, the LSI-R may not be gender neutral (Ostermann & Salerno, 2016:559).

Additionally, the adoption and the use of the LSI-R by other correctional centres worldwide have been criticised. It has been argued that the local population and offender culture might not suit the use of the LSI-R. The LSI-R was tested on a Chinese offender population (probationers) with the goal of implementing it in China, and it was found that the use of the LSI-R requires further investigation, and if the tool is to be adopted, sufficient training for prison officials is required (Zhang & Liu, 2015:1485).

Whiteacre (2006:331) raises concern regarding the adoption by other correctional departments, of a pre-existing assessment instrument without conducting a follow-up analysis to ensure that the instrument performs validly for the offender population. He comments

“There is a profound naivety among prison managers when it comes to assessment and classification, with many models available in the market today many States bought the most promoted model without really understanding how it operates mechanically or its impact on staff and inmates” (Whiteacre, 2006: 331).

2.4.3.1 Washington State Department of Corrections

In 1999, the Washington State Legislature enacted the Offender Accountability Act (OAA). The OAA affects how the State provides community supervision to the adults convicted of a crime (Washington State Institute for Public Policy, 2010:1). The OOA established a reduction of the risk of reoffending by prisoners in the community as a sentencing goal. Furthermore, it directs the Washington State DOC as follows (Washington State Institute for Public Policy, 2010:1):

- To classify offenders according to their risk for future offending and the amount of harm they have caused to society in the past.

- To deploy more resources to high-risk offenders and as a result, spend correspondingly less money on low-risk offenders.

To comply with the OAA, the Washington State DOC tested the LSI-R as its assessment tool for both South African and foreign offenders (Washington State Institute for Public Policy, 2010:1). Through a legislative mandate from the Washington State Institute for Public Policy, a lecturer (Robert Barnoki) at the Washington State University examined the validity of the LSI-R and suggested that the predictive power of this assessment tool could be improved by including more static risk items (Hamilton, van Wormer, Kigerl, Campagna, Block & Lee, 2014:13; Profiles of Assessment Instruments, 2012:11).

The Washington State DOC operates two intake facilities, namely the Washington Corrections Centre (WCC) in Shelton for male prisoners, and the Washington Corrections Centre for Women (WCCW) in Gig Harbor. Prisoners sentenced to capital punishment (death penalty) are transferred directly to Washington State Penitentiary in Walla Walla to be executed (Washington State Department of Corrections, 2016:1). Discussed below is the intake/admission procedure that is followed when foreign prisoners are admitted at the Washington State DOC.

2.4.3.1.1 Intake Process

The intake process at these facilities is designed to be completed in two weeks, but due to the medical, mental health, initial custody, and programming requirements for all newly admitted foreign prisoners, it takes approximately a month (Washington State DOC 2016:15). According to the Washington State DOC (2016:1), the following transpires during the intake process:

Day One: During day one foreign prisoner identities are verified, they are fingerprinted, pictures are taken, and identification tags are generated. Medical and mental health screens are conducted. The counsellor meets with the foreign prisoner for a quick interview to identify potential security threats and to determine whether the prisoner needs to be separated from other inmates or staff members. The information is then captured on a computer.

Day Two: The foreign prisoners are afforded the opportunity to get settled into the facility. Custody staff orientates them with unit rules; distribute information about the operation of the facility and answer questions that the foreign prisoner might have.

Days Three and Four: These two days are very intensive. The foreign prisoners take a series of paper and pencil tests, scored electronically. All foreign prisoners take the Comprehensive Adult Testing of Achievement System (CATAS) for their academic achievement. The Monroe Dyscontrol and Suicide Risk Scale are also administered.

Day Five: During this day orientation of foreign prisoners, particularly the English and Spanish speaking prisoners, occurs and they are given hand-outs. After this day there is a recess of two days, meaning that days six and seven are left out.

Days Eight to Eleven: These days are more clinical. All foreign prisoners receive complete physical and dental examinations. The tuberculosis skin test is given on day eight, and the results are provided on day eleven. Female offenders undergo the same medical examinations but also receive a Pap smear, gynaecological examination, and pregnancy test.

Day Twelve: This is a classification and assessment day. The classification and assessment staff review foreign prisoner case files and conduct interviews. The purpose of the interviews is to review and clarify foreign prisoner social and criminal history. Furthermore, the counsellor reviews the details of the current offence identifies separation concerns and obtains inputs from the prisoners regarding work, correctional programmes, and long-term facility placement.

Days Thirteen to Twenty-Four: These are custody level days. The foreign prisoners are placed into an appropriate custody level based on the assessment and classification conducted on day twelve.

2.4.3.1.2 Assessment Tools in Washington State Department of Corrections

The Washington State DOC has a comprehensive process for assessing foreign prisoner needs and developing a case management plan to reduce their risks of recidivism. The Washington State DOC started using the LSI-R in 2002. The LSI-R was only used for five years. In 2008, the Washington State DOC discontinued the use of LSI-R after a study conducted by Washington State Institute for Public Policy found that the LSI-R could be strengthened to give more accurate readings if

additional static criminal history data (e.g. age at the onset of crime) was added (Hamilton *et al.*, 2014:13; Herold-Prayer, 2016). The LSI-R is designed to predict whether the offender will re-offend not to measure the level of prior harm caused by the offender to his victims which is a key requirement in the OAA legislation (Washington State Institute for Public Policy, 2005:3).

The Washington State DOC has collaborated with an Assessment company called 'Assessment.com' to develop and implement a new, state-of-the-art, evidence-based risks and needs assessment/supervision planning system for adult offenders, thus responding to the recommendations made by the Washington State Institute for Public Policy. The development of the Static Risk and Offender Needs Guide (STRONG) tool was complete in 2006, and in 2008 the Washington State DOC implemented the automated offender assessment and case planning system (Hamilton *et al.*, 2014:13; Profiles of Assessment Instruments, 2012:11).

STRONG is a comprehensive fourth generation risk needs assessment and automated case planning tool, administered through the intranet (Rohrer, 2016; The STRONG, 2008:1). One of the outstanding advantages of STRONG is that it predicts recidivism based on a particular type of crime (e.g. elevated risk for violence and property or drug offences) which allows probation and corrections professionals to make better supervision, placement and re-entry decisions (James, 2015:04). STRONG has both static and dynamic factors. The Static Risk Assessment (SRA) and the Offender Needs Assessment (ONA) determine both foreign and South African offenders' risk of recidivism and identifies specific needs (Rohrer, 2016). The SRA part of STRONG has twenty-six (26) questions which comprise entirely of static factors, dealing specifically with a prior criminal record (The STRONG, 2008:1). According to the Washington State Institute for Public Policy (2010:2), the SRA was implemented because it has the following advantages:

- Increased predictive accuracy.
- Prediction of three types of high-risk offenders, namely drug, property, and violent offenders.
- Increased objectivity.
- Decreased time to complete the assessment.

- Accurate recording of criminal history for use with other Washington State DOC's reporting requirements.

On the other hand, the ONA part of this tool has approximately 70 questions which comprise the following dynamic domains (Hamilton *et al.*, 2014:13; The STRONG, 2008:1):

- Education (social achievement).
- Employment (social achievement).
- Friends (social support).
- Residential Stability (social achievement).
- Marriage/Family (social support).
- Alcohol/Drugs (personality traits/substance abuse/ criminal history).
- Mental Health (personality traits).
- Aggression (personality traits).
- Attitude/Behaviours (cognitions).
- Coping skills (cognitions).

STRONG serves as a tool that ensures that treatment and public resources are devoted to high-risk offenders, and provides an objective, consistent and simple method of risk prediction and supervision level identification (The STRONG 2008:1).

According to personal correspondence with the Manager at Washington State Department of Corrections (Herold-Prayer, 2016), currently STRONG is being suspended as it is being revised to a new tool called the Static Risk and Offender Needs Guide-Revised (STRONG-R). The Washington State DOC uses two separate tools, namely a static only Risk tool, the Static Risk Assessment version 2 (SRA2), and a separate Needs assessment tool, and the Offender Needs Assessment (ONA) to assess both South African and foreign prisoners.

With regard to the revision of STRONG, in 2012 Washington State DOC sought the assistance of Dr Zachary Hamilton, a Professor of Criminology at Washington State University. Dr Hamilton analysed the risk and needs assessment data of more than 44,000 DOC offender SRAs and ONAs between 2008 and 2010. He further analysed the recidivism for those same offenders for a three-year follow-up period (Herold-

Prayer, 2016). Dr Hamilton was then able to develop an improved risk and needs assessment for DOC, the STRONG-R which was validated and weighted specifically to the DOC population. The new STRONG-R tool is more predictive of risk of reoffending than the current SRA2. Since 2012, when starting with the research, Dr Hamilton has been working with a team of 45 Washington State DOC staff members, dubbed the 'development team', to revise the STRONG tool.

2.4.3.2 Assessment tools in Pennsylvania Department of Corrections

In the late 1990s, the Pennsylvania DOC developed the Pennsylvania Additive Classification Tool (PACT). It was developed by an interdisciplinary team as a risk management tool for placing prisoners in the least restrictive custody while providing for the safety of the public, staff, other prisoners, and institution guests and the orderly operation of the institution (Pennsylvania DOC, 2013:14). The goals of the PACT were threefold:

1. Predict the prisoners' institutional behaviour.
2. Standardise the assessment and custody assignment process.
3. Systematically sort prisoners into one of five custody levels.

To be at the same pace of developments with other correctional departments worldwide, the Pennsylvania DOC advanced to the use of Level of Supervision Inventory (LSI) in 1998, to assess both South African and foreign citizens. The Pennsylvania DOC (2013:14), pilot tested the LSI-R and other assessment instruments, such as the Static 99, to enhance needs assessment and to identify problems associated with aggression/anger management and criminal thinking (Tomkiel, 2016). In June 2003, the LSI-R was integrated into the intake procedures of the Pennsylvania DOC.

However, the use of the LSI-R by the Pennsylvania DOC was short lived. Shortly after its inception, the Pennsylvania Board of Probation and Parole, commissioned by Dr James Austin in 2003, conducted an LSI-R recidivism study (Latessa, Smith, Schweitzer & Lovins, 2009:12; Pennsylvania State Harrisburg Criminal Justice Program, 2009:10). The study found that there were eight risk factors (age at first arrest, current age, prior convictions as adult, sanctioned behaviour, sanctioned

behaviour in an institutional setting, violated period of community supervision, educational level /failure to attain grade 12 education, and alcohol and drug problem during lifetime) that performed better for predicting male offender risk of recidivism than the 54 items of LSI-R (Pennsylvania State Harrisburg Criminal Justice Program, 2009:10).

The use of the LSI-R was not ruled out. In 2006, an additional validation study was conducted by Dr Simourd for its use on the Pennsylvanian prison population, and he found that, although it had good inter-rater reliability, its recidivism prediction was not reliable for the Pennsylvania DOCs prison population (Pennsylvania State Harrisburg Criminal Justice Program, 2009:10). Further studies conducted by Welsh (2007), Bucklen (2007) and Goldkamp (2010) concurred with the findings by Simourd that the LSI-R demonstrated little predictive validity for the Pennsylvania offender population (Bucklen, 2010:8). According to Bucklen (2010:11), the following concerns were also raised that led to the abandonment of the LSI-R:

- Administering the LSI-R costs one US dollar per administration, and it took 30 minutes to administer, which is more expensive and time-consuming when compared to other tools.
- Specific coding and interpretation rules on the LSI-R require a fair amount of staff to administer it.

In any case, the eight risk factors of the LSI-R were used to create a new tool called the Risk Screen Tool (RST). According to the Pennsylvania State Harrisburg Criminal Justice Program (2009:10), the RST tool was pilot tested at the Camp Hill Diagnostic Centre in September 2008, and in May 2009 a tweaked version of the original instrument was implemented as the primary assessment tool for correctional programme planning, thus replacing the LSI-R completely. The RST comprised of mostly static items that measured criminal history, institutional misconduct, demographics, and employment (Latessa *et al.*, 2009:12).

2.4.3.3 Assessment tools in the Colorado Department of Corrections

All foreign offenders entering the Colorado DOC facility begin at the Denver Reception and Diagnostic Centre (DRDC). The intake process involves photographing, fingerprinting and orientation. Offenders are also processed through

assessment and classification, and a series of tests are administered. Interviews are then conducted by an assessment and classification programme officer (Weber, De La Cerda & O'Keefe, 2010:15).

The Colorado DOC utilises the LSI-R to assess both South African and foreign offenders during the initial interview and screening during the intake process. The LSI-R is primarily used for the structured interview process it provides while also capturing risk assessment (Colorado DOC, 2011:43). According to an official at the Colorado DOC (Perkins, 2016), the DOC started using the LSI in 1998. During 2000, it advanced to the LSI-R. In 2007, another supplementary tool called the Standardized Offender Assessment-Revised (SOA-R) was brought in (Perkins, 2016).

The outcome of this need/risk assessment tool influences the treatment programmes, facilities, and housing units to which foreign prisoners are assigned. According to Weber *et al.* (2010:2), the administration of the LSI-R requires a semi-structured interview with the foreign offender to gather information pertinent to several risk areas. Upon completion of the assessment, all the foreign offender's information is stored in the Colorado DOC mainframe database, and a hard copy for the file is printed.

In assessing the needs, foreign prisoners are rated on several potential problem areas such as work, pre-release, leisure time, academic/vocational, psychological, substance abuse, sexual adjustment, medical and conduct. The officials use the LSI-R to score and determine substance abuse treatment options (Colorado DOC, 2011:43). Apart from the LSI-R, the Colorado DOC also employs the Colorado Actuarial Risk Assessment Scale version 6 (CARAS-ver6) for release consideration (Colorado Department of Public Safety, 2015:1).

2.5 DISTINCTIONS AND SIMILARITIES BETWEEN THE LSI-R, SAQ, OASYS, STRONG AND RST

Most of the correctional departments, particularly the American State Departments of Corrections discussed above, initially used the LSI-R and later developed their own assessment tools to suit their offender population. It can always be argued that the LSI and LSI-R served as a foundation for the establishment of OASys, SAQ, STRONG and RST. The LSI-R stood the test of time as it was developed in the 1980s by Canadian researchers (Andrews & Bonta) and is still being used today (Vose, Smith & Cullen, 2013:1383). The LSI-R has been used by most correctional departments across the United States and is currently one of the most widely used third generation assessment tools in North America, Australia, and England (Watkins, 2011:1; Zhang & Liu, 2015:1475).

A common denominator in all these tools is that they aim at assessing the risks and needs of all foreign and non-foreign offenders. The validity of the five assessment tools (SAQ, LSI-R, OASys, STRONG and RST) have been tested (Bonta & Andrews, 2017:250; Pennsylvania State Harrisburg Justice Program, 2009:10, The STRONG, 2008:1, UK Justice Directorate, 2012:4). Although these offender assessment tools have been tested, the LSI-R is adopted by most correctional departments above all of the other tools (Ostermann & Herrschaft, 2013:293, Ostermann & Salerno, 2016:555; Zhang & Liu, 2015:1475). Notwithstanding the use of the LSI-R by most correctional departments, OASys offers a more in-depth offender assessment when compared to all of the assessment tools discussed. It has a section that deals with the analysis of crime, which outlines the crime in detail and the impact of the crime on the victims, something that lacks from the other tools (OASys Manual, 2002:3). It also contains a self-assessment questionnaire that offers offenders the opportunity to evaluate themselves (Offender Learning, Offender Assessment System) (OASys, 2012:2).

2.6 RELEVANCE AND APPLICATION OF LSI-R, SAQ AND OASys IN THE CURRENT STUDY

According to Hesselink cited in Holtzhausen (2012:208), offender assessment tools used in South African correctional centres are based on the first generation of offender assessment. On the other hand, the LSI-R, SAQ and OASys are third generation offender assessment tools. Adopting these tools as they are and employing them on offenders incarcerated in South African correctional centres is questionable. South Africa has unique and challenging socio-economic and political circumstances, with a specific cultural diversity and belief systems that give rise to many unique types of offences and offenders (Hesselink as cited in Holtzhausen, 2012:207). Taking into cognisance the landscape of crimes committed in South Africa, the current proposed research study does not employ international offender assessment tools (LSI-R, SAQ and OASys) to collect data from participants. However, the questions used in these assessment tools formed a base for the themes employed in the current research study's data collection instrument (semi-structured interview schedule). The LSI-R and OASys were consulted during the compilation of the semi-structured interview schedule, which will be used as a data collection instrument. Some of the subscales employed in these tools are also incorporated in the semi-structured interview schedule (e.g. demographical information, the criminal history of the offender, employment history and financial information). Although both assessment tools were consulted, most of the dominating items in the semi structured-interview schedule are from the OASys.

Despite these tools having been consulted, the current research study follows a singularly different research methodological approach; it is qualitative research and these tools (LSI-R, OASys and SAQ) are quantitative survey tools (Bonta & Andrews, 2017:253), focusing on offender attributes and their situations relevant to their level of supervision and treatment decisions (Multi-Health System, 2012a:1; Multi-Health System, 2012b:1; Multi-Health System, 2016:1; Palmer & Hollin, 2007:937). The discussion hereunder focusses on the unique needs of foreign offenders.

2.7 UNIQUE NEEDS OF FOREIGN PRISONERS INCARCERATED WORLDWIDE

Taking into cognisance the challenges - such as language barriers, isolation, mental health problems, immigration issues, cultural difficulties, lack of contact with families and friends, lack of access to information and legal support, lack of respect, racism and lack of preparation for release - faced by foreign prisoners, the United Nations Committee on Crime Prevention and Control adopted the following rules in 1984 (Hill 2004:6; Platzer & Van Kalmthout, 2007:4), to alleviate some of the problems faced by foreign offenders during their incarceration in foreign countries:

- The allocation of a foreign prisoner to a prison establishment should not be affected on the grounds of his nationality alone.
- Foreign prisoners should have the same access as national prisoners to education, work, and vocational training. Foreign prisoners incarcerated in the Department of Correctional Services are also offered the opportunity to attain education, but unfortunately the majority of these prisoners are illegal foreigners, and it becomes difficult for them to register for Grade 12, as a valid identity document is a requirement to register for Grade 12 with the Department of Basic Education (Gqili, 2017).
- Foreign prisoners should, in principle, be eligible for measures alternative to imprisonment, as well as for prison leave and other authorised exits from prison, according to the same principles as nationals. All assessment tools applied to South African offenders should apply to foreign offenders (Monacks, 2017:1).
- Foreign prisoners should be informed promptly after reception into a prison, in a language which they understand and in writing, of the key features of the prison regime, including relevant rules and regulations. The language used as a medium of instruction in the South African DOCS is English, and unfortunately, not all the foreign prisoners understand English.
- The religious precepts and customs of foreign prisoners should be respected. The South African Constitution is a cornerstone and a supreme law of all laws in the country. The Bill of Rights, enshrined in Chapter 2 of the Constitution, emphasises that every person has the right to belong to any religious

association, including both South African and foreign prisoners incarcerated in South African correctional facilities (Republic of South Africa, 1996:7).

- Foreign prisoners should be informed without delay of their rights to request contact with their consular authorities, as well as any other relevant information regarding their status. If a foreign prisoner wishes to receive assistance from a diplomatic or consular authority, the latter should be contacted. Foreign prisoners housed in South African correctional centres are offered the opportunity to phone their next of kin, but the service necessary to contact their diplomats is not yet available in the DCS.
- Foreign prisoners should be given proper assistance, in a language they can understand, when dealing with medical or programme staff on matters such as complaints, special accommodation, special diets, religious representation and counselling. As stated before, most foreign offenders incarcerated at the DCS are illiterate and do not understand English, although they are addressed in English by medical staff, psychologists, and social workers.
- Contact with family and community agencies should be facilitated by providing all necessary opportunities for visits and correspondence with the consent of the prisoner. Humanitarian international organisations should be afforded the opportunity to assist foreign prisoners. Oftentimes, when foreign offenders have problems contacting their families, due to a lack of money to purchase telephone cards; or have lost contact with their families, they are referred to social workers who assist them to re-establish contact. Most foreign offenders are illegal immigrants and, even though they are allowed to call their relatives or family members who reside in South Africa, these relatives or family members cannot visit them because they are also illegal immigrants.

During November 1945, South Africa became a member of the United Nations (United Nations, 2012a:1). As a member state, South Africa is obliged to conform to the above rules but does not currently conform to all of them regarding foreign offenders. However, it is worth mentioning that foreign offenders in custody of the DCS are treated similarly to South African offenders. They are assessed when admitted in the correctional centre and share the same housing units with South African offenders. Foreign offenders are offered the opportunity to attend correctional and educational programmes to assist with their rehabilitation. Upon release, foreign

offenders who do not have relatives and/or a positive residential address within South Africa, are handed over to the Department of Home Affairs (DHA) for deportation. The outstanding questions are: what are the needs and risks of Mozambican and Zimbabwean foreign offenders? What triggered and motivated their criminal behaviour? Does the DCS understand the needs and risks of Mozambican and Zimbabwean foreign offenders and/or address their needs with the currently available rehabilitation programmes? These are some of the questions that this research attempts to answer.

2.8 LESSONS TO BE LEARNED FROM INTERNATIONAL FOREIGN PRISON ASSESSMENTS

Although South Africa is not a party to the entente cordiale of international transfer of foreign prisoners, it conforms to some of the rules of the United Nations Treatment of Foreign Prisoners. Foreign prisoners housed at the DCS are treated the same as the South African prisoners and are granted parole when they become eligible.

Most foreign offenders in the DCS originate from African countries, particularly countries abutting South Africa (Mozambique and Zimbabwe). The DCS is currently exploring the possibility of entering into offender transfer agreements with the countries within the Southern African Development Community/SADC region (Engelbrecht, 2018:1.) Unfortunately, some of the factors that might hamper such agreements are the poor prison conditions and the abuse of human rights of prisoners in those countries. To mention a few incidences in Zimbabwe and Mozambique, in 2015 it was reported that three prisoners in Chikurubi maximum prison in Zimbabwe were shot dead during riots over a scarcity of food. In 2013, 100 prisoners died due to malnutrition while serving their sentences in Zimbabwean prisons (Home Office of the United Kingdom's Government, 2017:9). In 2014, it was reported that female prisoners in Mozambique are denied basic necessities such as food and toothpaste and oftentimes prison warders demand sex in exchange for soap and food (Cornish, 2014:1).

Pertaining to offender assessment in general, the DCS is further away from the Correctional Services in Canada, England, Washington, and Pennsylvania in terms

of offender assessment research. According to an interview with the former Director of Risk Profile Management Directorate, Mr Monacks (2017:1), the DCS only started researching and implementing offender assessment tools in 2003. The offender assessment tools used in South Africa are based on first-generation assessment (one-on-one, in-depth personal assessment) that solely depends on the assessor's knowledge, intuition, practical experience, and personal judgement of offending behaviour (Herbig & Hesselink, 2012:39). The South African offender assessment tools are first-generation assessments, solely developed by correctional officials with no influence from universities offering criminology in South Africa. The DCS needs to collaborate with South African universities when developing assessment tools so that proper research is conducted on the South African offender population needs and risks.

A great lesson to be learned from these international foreign offender assessments is that correctional services departments in Canada, Washington, and Pennsylvania, are work together with professors from universities when they develop assessment tools. The LSI-R and the STRONG were developed in collaboration with university professors, which ensures that the tools were professionally researched and validated before being implemented. Having a well-researched assessment tool that is validated, ensures that needs and risks of foreign and native offenders are identified, and the right intervention/treatment to address those needs and risks are recommended, and their risks of reoffending are diminished (Miller & Maloney, 2013:718).

For the DCS to improve on their assessment tools, it must foster relationships with universities offering criminology degrees, to assist in improving its offender assessment tools. Although there is currently a Memorandum of Understanding (MOU) between the DCS and the University of South Africa, the University of Free State, the University of KwaZulu-Natal, and the University of Zululand, in terms of which their students to assist in completing assessments in various correctional centres, this is inadequate. The year 2013 marked a decade of the introduction of offender assessment tools in the DCS, but offender assessment is still rated as first-generation in South Africa. It is time to improve the tools with the involvement of

professors of criminology from the universities in South Africa to provide and validate well-researched tools.

2.9 CONCLUSION

This chapter focused on offender assessment tools employed internationally to assess foreign offenders. It gives a clear view of what tools are employed by the first world countries to assess foreign offenders in their custody. There is limited international research regarding the assessment of foreign offenders, particularly with the aim of determining their needs and risks.

Although Canada and the United Kingdom are the leaders in research regarding offender assessment, there is no specific foreign offender research conducted with the aim of addressing foreign offender needs and risks in these countries. The same tools used to assess native offenders, and to identify the rehabilitation programmes they attend, are applied to foreign offenders. Canada uses the LSI-R for both native Canadian and foreign offenders. In addition to the LSI-R, correctional officials use the SAQ as a supplementary and not a mandatory tool.

On the other hand, the British Prison Department employs OASys for both native citizens and foreigners. However, the increase of foreign offenders in the UK has motivated the British government to turn two of its prisons into foreign offender prisons. Bhui (2016:263) argues that the separation of foreign offenders from native offenders was done to ensure that the UK complies with immigration legislation rather than to ensure the rehabilitation of foreign offenders.

Focusing on the USA, Pennsylvania, Washington, and Colorado have adopted the LSI-R and use it to assess both native and foreign offenders in their correctional facilities. However, to ensure that the tool suits their inmate population, most corrections departments modified the LSI-R. The Pennsylvania DOC conducted a study to test the validity of the LSI-R on her offender population and found that the LSI-R demonstrated little predictive validity. The Pennsylvania DOC discontinued the use of the LSI-R in 2009 and developed its own assessment tool called the RST

which is employed to assess both native and foreign offenders in the custody of the Pennsylvania DOC.

Despite, the LSI-R being the most used assessment tool by various corrections departments, foreign offenders have unique needs distinct from native offenders. They face a tough time when serving their sentences without being in touch with their families, and some are incarcerated without financial means to further their studies during their incarceration period. Oftentimes, foreign offenders find it hard to participate in correctional programmes and activities due to language barriers.

In conclusion, the LSI-R, SAQ and OASys are the dominant tools used by various correctional departments and all these tools include static and dynamic factors and aim to assess the needs and risks of offenders. The LSI-R and OASys were consulted, and some of the items (education and school background, employment history, history of substance abuse, criminal history, and offence analysis) were borrowed from these assessment tools to compile a semi-structured interview schedule, which will be used to gather data for the current research study.

CHAPTER 3

NATIONAL ASSESSMENT OF SENTENCED ADULT FOREIGN OFFENDERS: REALITIES AND CHALLENGES

3.1 INTRODUCTION

The assessment of foreign offenders is an imperative activity within correctional centres particularly if for instance, foreign offender rehabilitation, coping strategies and adaptation needs, such as lack of visitation, support from family members, and language barriers, are unique from those of South African offenders (Siegel & Bartollas, 2016:314). Supporting the importance of foreign offender assessment, Hanser (2013:218) explains that correctional institutions must understand all types of offenders under their care, and this includes foreign offenders as a special category of offenders (DCS, 2005:171).

Many correctional institutions rely on offender assessment and classification to describe, understand, and treat (for rehabilitation and offender self-development) their offenders (Hanser, 2013:213). Bonta (2012:1) echoes the same sentiment and adds that an accurate offender assessment facilitates the fair, efficient, and ethical classification of all offenders. Applying this to foreign offenders means that assessment generated information (the assessment of unique needs and risks) may be used to facilitate more effective decision-making processes, regarding the assessment and classification of offender-specific (sample-specific foreign offenders) case management, treatment, and risk prediction (Sun, 2013:24).

Similar to other correctional departments worldwide (Canada, Pennsylvania, Colorado, Washington, England, and Wales), the South African DCS subjects all offenders, including foreign offenders, sentenced to 24 months and more to assessment. The Republic of South Africa's Correctional Services Act 111 of 1998, in section 38(1) emphasises that after admission, all sentenced offenders must be assessed to determine their security classification for custody (placement in the correctional centre), safety (self-harm and harm to others), health (for immediate health notice and treatment), educational (upon admission and continuation of

schooling or tertiary education), social (support structure), emotional (coping strategies and thinking patterns), and religious (support and active participation) needs. Although the Act underscores assessment during admission, assessment should ideally be a continuous function throughout the offender's incarceration path, particularly when sentenced for longer periods. Continued assessment will substantiate more detailed and informed rehabilitation and self-development needs (rehabilitation services and programmes), and risk decisions for offender management (custodial classifications, supervision level, early release, and parole consideration) drives (Hanser, 2013:218).

This chapter focuses on the assessment services offered to foreign offenders in the DCS. The focus encapsulates the historical development of custodial assessment within South African corrections. The current state of affairs regarding the treatment of foreign offenders at the DCS, as well as the assessment tools employed by the DCS, will also be discussed. Challenges faced by Mozambican and Zimbabwean foreign offenders are outlined and lastly, the deportation of foreign offenders, and the proposal of an interstate offender transfer treaty by the DCS and other SADC member states will be discussed.

3.2 HISTORICAL DEVELOPMENT OF OFFENDER ASSESSMENT IN THE DCS

South African research regarding offender assessment, albeit excluding foreign offenders, was conducted by Hesselink-Louw in 2004. Prior to this, a void in research with regards to publications on structured and scientific offender assessment practices, existed within the DCS, and the assessment of criminal behaviour mostly depended on the individual correctional practitioner's (social workers and psychologists) skills, experience, exposure and training in issues pertaining to criminality and offending behaviour (Hesselink-Louw, 2004:02; Hesselink & Herbig, 2012:30).

After the promulgation of the Correctional Service Act 111 of 1998 (Republic of South Africa, 1998:1), the DCS refocussed its strategy to align itself with the legislation; the cornerstone for the management and treatment of offenders, persons on trial and remand detainees in the care of the DCS. In this regard, the Act directed

the DCS to locate the rehabilitation of all offenders (including foreigners) at the centre of all its activities. Monacks (2017:1) states that the restructuring commenced in 2003, whereby the DCS's initial focus, namely the safe custody (safety and security) of offenders, shifted to the rehabilitation of offenders.

During 2003, the Branch "Corrections" and the Directorate "Risk Profile Management" were established within the DCS. Thorough research was undertaken regarding the needs and risks of all offenders. This research was motivated by international offender assessment practices conducted in countries such as Canada, New Zealand, and Australia (Monacks, 2017, 1:1).

During 2003, research on the DCS's White Paper on Corrections commenced and was approved in 2005. The DCS's White Paper on Corrections is a foundation policy that outlines the implementation of the Correctional Service Act and the treatment of offenders (including foreign offenders) within the DCS. Although the DCS's White Paper on Corrections classifies foreign offenders as a special category of offenders based on their unique needs (DCS, 2005:171), since its inception, no research was conducted on this cohort exclusively. Hence, the researcher aims to fill this vacuum in existing research.

3.3 AN OVERVIEW OF OFFENDER ASSESSMENT TOOLS EMPLOYED IN THE DCS

In 2006, the first South African offender assessment tools (Admission Risk and Needs Assessment; Admission Security Risk Classification Tool; Comprehensive Risk and Needs Assessment Tool, Re-classification Tool and Pre-placement Assessment Tool) were pilot tested and during the same year, approved and implemented by the DCS (DCS, Annual Report 2006/2007:18; Monacks, 2017:1). Initially, these tools were to be implemented by the Case Assessment Team (CAT) which comprised of professionals such as psychologists, social workers, and correctional officials.

However, Hesselink and Herbig (2012:30) aver that South African correctional centres are under-resourced regarding social and psychological services offered to offenders and foreign offenders. Corroborating the shortage of professionals employed by the DCS, statistics from March 2017 show that there were 79

psychologists, and 595 social workers employed in the DCS, against a total of 116 894 sentenced offenders (6.02% of the sentenced offender population consisted of foreign prisoners in the same period) (DCS, 2017:1).

Confronting the reality of a shortage of professional staff to complete the assessment tools, the former National Commissioner, the late Mr VP Petersen, convened a meeting with the Branch Corrections, and officials who have conducted research on assessment tools (DCS, 2007a:1). During the meeting, a decision was taken that assessment tools primarily based on offender-specific (age, gender, criminal record, and gang involvement) and offence-specific (type of crime, causes and motives link to offending behaviour) questions, would be simplified, and that these tools should henceforth be completed by Correctional Assessment Officials (CAO), with a social science background (meaning they have a basic Bachelor of Arts degree with major subjects such as criminology, psychology and sociology) (DCS, 2007a:1).

Currently, these assessment tools are completed by CAOs with a background in social science, and laudable progress has been achieved regarding the assessment of offenders (Monacks, 2017:1). However, the assessment tools are also completed by the interim structure of CAOs (a structure not approved and financed by the national treasury), which is not fully operational because the same officials are responsible for security duties, such as escorting offenders to court (Monacks, 2017:1). Table 1 below depicts a summary of the tools discussed above.

TABLE 1: OVERVIEW OF ASSESSMENT TOOLS IMPLEMENTED IN THE DCS

TYPE OF ASSESSMENT TOOL	AIM AND PURPOSE OF THE TOOL	FOCUS AREAS OF THE TOOL	ENVISAGE PERIOD OF ADMINISTRATION	ADMINISTRATOR
Admission Risks and Needs Assessment Tool	To determine offenders' immediate risks and needs.	Immediate risks and needs of offenders upon admission.	Within six hours after admission to a correctional centre.	Case Management Administrator (CMA) or Correctional Assessment Official (CAO)

Security Classification Tool	To determine offenders' risks level (high, medium, low) classify them for proper placement into suitable security housing units (maximum, medium, and minimum).	Identification of the risk's offenders pose to the community, DCS officials and other offenders.	Within 24 hours after admission to a correctional centre.	Correctional Assessment Official or Case Management and Committee (CMC) Secretary
Comprehensive Needs and Risk Assessment Tool	To identify and determine the offenders' risks and needs for rehabilitation purpose. It serves as an information gathering tool regarding the offender in order to compile an offender's profile and sentence plan.	Static factors (age, gender, and previous convictions) and dynamic risks factors/ criminogenic needs (criminal history, family/ support history, educational, employment history and emotional wellbeing) of the offender.	Twenty-one days after admission of an offender to a correctional centre.	CAO
Reclassification Tool	To reclassify the risk level of the sentenced offenders and to recognise changes in their behaviour.	Classification of offenders based on their risks and needs while incarcerated.	Offenders serving effective sentences of 20 years and longer, including lifers, are considered for reclassification after serving a period of five years, and thereafter reclassification should be done bi-annually.	Secretary of the CMC

			<p>Offenders serving effective sentences of 15 to 20 years are considered for reclassification after serving a period of three and a half years.</p>	
			<p>Offenders serving effective sentences of ten to 15 years, including habitual criminals, are considered for reclassification after serving a period of two- and half-year years.</p>	
			<p>Offenders serving effective sentences of five to ten years are considered for reclassification after serving a period of one and a half years.</p>	
			<p>Offenders serving an effective sentence of fewer than five years are considered for reclassification after serving a period of one year.</p>	
Pre-placement Assessment Tool	To identify the offenders' risks and needs before being placed on parole and to inform	Risks and needs of the offenders before they are placed on	Eight weeks prior to release.	Unit manager

	social integration officials about the offenders' risks and needs while on parole or correctional supervision.	parole.	
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Analysis of Table 1:

From the above table, it can be noted that there are many duplications of assessment tools, e.g. Admission Risks and Needs Assessment Tool; Comprehensive Needs and Risk Assessment Tool and Pre-placement Assessment Tool. For instance, the following information appears in all three tools: personal particulars, such as offender name, surname, and registration number; date of admission; escape history; previous criminal history and length of sentence. Although all these tools are implemented at distinct stages, they all focus on identifying the needs and risks of offenders. Secondly, both the Security Classification and Reclassification Tool are linked, although they perform the same function at the distinct stages/phases of the offender incarceration period.

3.4 EVALUATION OF OFFENDER ASSESSMENT AND CLASSIFICATION TOOLS EMPLOYED AT SOUTH AFRICAN CORRECTIONAL INSTITUTIONS

In the second chapter of this dissertation, distinctive first to fourth generations of assessment were discussed in detail. The first-generation assessment entails intuition and the collection of information about the offender and his situation, to determine the offender's risk of reoffending. In the first-generation assessment, correctional officials apply their experience and training to assess the risks and needs of the offenders and base their decisions on their professional judgements (Davidson, 2009:25; Huss, 2014:103).

The offender assessment tools used at South African correctional institutions are based on first-generation assessments (Hesselink as cited in Holtzhausen,

2012:208). The Admission Security Classification Tool is based on a score sheet in which the absence or presence of certain dynamic (educational level), or static factors (criminal record), is assigned to the score. The total score is then calculated to achieve a grand total, which is then used to determine the offender's risks and needs (DCS, 2012:78). This method of classifying offenders is also employed in various third-generation assessment tools such as the LSI-R, OASys and SAQ (discussed in chapter 2) (James, 2015:2). However, the chairperson of the Case Management Committee (CMC) can override the score in order to change an offender's classification (minimum, medium and maximum) and can provide reasons for his decision (DCS, 2007:89; DCS, 2012:21). The Admission Security Classification Tool, namely the assessment/classification tool used upon immediate admission to a correctional centre, displays elements of the first-generation assessment tools as it affords opportunity for professional judgement, or decision, based on the administrator's experience in working with offenders (Bonta & Andrews, 2017:342). With the first-generation assessment, correctional staff, and clinical professionals (psychologists) are guided by their professional training and experience, to make a judgement as to who requires enhanced security and programmes, to alter their criminal behaviour (Bonta & Andrews, 2007:3; Huss, 2014:103). However, a third-generation assessment tool, such as the LSI-R, also affords the assessor an opportunity to override the score based on professional judgement, and reasons for deviating from the original score must be stated on the tool (Bonta & Andrews, 2017:342; Multi-Health System, 2016:1).

The DCS could not and cannot adopt a ready-made third- or fourth-generation assessment tool within the South African correctional context, because of the difference in the offender population (diverse cultures), constraints on correctional resources (inadequate accommodation in housing units), shortage of rehabilitation staff and the dire socio-economic circumstances (high rates of unemployment and poverty) faced by the offender population, society and the DCS (Hesselink as cited in Holtzhausen, 2012:207; Hesselink & Booyens, 2014:4). In this regard, Assink, Van der Put, Oort and Stams (2015:12) cite that risk assessment devices developed and used in one state, are often not applicable to offenders in other states due to the diversity of socio-economic circumstances and cultural differences. Applying a readily made international offender assessment structure/scale on the South African

offender population, is questionable because the socio-economic conditions (poverty and unemployment) and some of the reasons offered for committing crimes (farm killings, muti [witchcraft] related murders, committing crime to belong to gangs, foreigners committing crime to counter resentment and rejection by some South African citizens and some South Africans persecuting foreigners as they feel that they take employment opportunities available to them), in South Africa differ significantly from other countries (; Geldenhuys, 2018:20;Hesselink as cited in Holtzhausen, 2012:207).

Although South African offender assessment tools are based on first-generation assessments, they are not based on professional judgement alone (Monacks, 2017:1; Moodley, 2016). The Admission Risk and Needs Assessment Tool, used immediately upon admission, and the Comprehensive Risks and Needs Assessment Tool, applied within 21-days after admission, have elements of second- and third-generation offender assessment tools because they encompass both static (history of substance abuse) and dynamic (alcohol and drug use and educational background) factors (Bonta & Andrews, 2016:25; James, 2015:2; DCS, 2012:35). These tools are administered by the temporary CAOs who also work security duties (escorting offender to courts and external hospitals). Unlike the original first-generation assessment tools, which were unstructured (informal pattern in which questions are asked), the DCS assessment tools are semi-structured, which means they have a specific structural format and themes such as educational history and criminal history (DCS, 2012:35). However, Loza (2013), who developed the Self-Appraisal Questionnaire (SAQ), is a professor at Queens University (Canada), and an international pioneer in offender assessment practices, is of the view that the DCS assessment tools contain information (such as information on the victim) that is not necessarily helpful to design an offender specific treatment plan. Loza (2013) emphasises the importance of completing a 'quick' (simple and comprehensive tool that is easily understandable) assessment at admission, which includes mental health issues and history of harm and suicide.

Although Loza (2013) criticises the presence of questions on the victim of crime in the DCS's Comprehensive Risks and Needs Assessment Tool, equivalent items (questions on the victim of crime) are also exhibited in the British Offender Assessment Tool, the OASys (Howard & Dixon 2012:290; OASys Manual, 2002:3).

The Comprehensive Risks and Needs Assessment Tool includes sections that detail education, employment history and criminal association, and how these factors contributed to the offender's criminal behaviour (DCS2012:84). Essentially, although tools employed in the DCS are first-generation assessments, they have some elements of third-generation assessments that comprise of the identification of criminogenic needs, such as criminal association, criminal attitude, and employment status (Andrews *et al.*, 2012:116). The DCS's Comprehensive Risks and Needs Assessment Tool takes the importance of criminal association with friends and family members, and the influence thereof on the offender, into account. This tool is used for all offenders sentenced for 24 months and more, while the Admission Risk and Needs Tool (administered six hours after admission) are utilised for all sentenced offenders irrespective of their gender, crime, and age (DCS, 2012:13). Negating the use of an 'one-size-fits-all' approach, Howitt (2012:484) proffers that for an assessment tool to be effective and efficient, it must target a specific population (such as foreign, youth and sexual offenders), and criminal behaviour and the tool must not be designed to serve the entire diverse offender population (native, youth and foreign offenders) convicted of distinctive types of crimes (economic, narcotics, aggressive and sexual offences).

Essentially, the DCS's offender assessment tools can be classified as first-generation although they also contain some elements of second-generation (static risk factors such as age at first conviction, history of substance abuse and family criminality) and third-generation assessments (dynamic/changeable factors such as educational background, anger and personality style) (Bonta & Andrews, 2017:25; James, 2015:3). From the researcher's observation and experience as a social worker who worked for three years with national and foreign adult male offenders at a correctional centre; the DCS's offender assessment tools are a mixture of first, second and third-generation assessment content. There are too many tools, and it is very time-consuming to complete all of them. Furthermore, resources (computer and permanent personnel) to implement these tools are limited (Monacks, 2017:1; Moodley, 2016).

Foreign and national offender assessment is implemented in a linear process called unit management, and a brief overview thereof is discussed below. Carlson

(2015:55) avers that unit management provides scope for the development of assessment tools and increased participation in rehabilitation programmes.

3.5 UNIT MANAGEMENT IN THE DCS

According to Stinchcomb (2011:234), a unit is a self-contained living area (for 50 to 200 inmates) managed, semi-autonomously within large institutions. Unit management increases inmate surveillance because staffs are available in the unit throughout the day, and this allows easy access to correctional officials by offenders (Luyt, Jonker & Bruyns, 2010:3) Thus, unit management increases the frequency of contact between staff and inmates (Carlson 2015:55). According to Luyt *et al.* (2010:3), unit management is a concept originally practised in the USA, followed by Australia, the UK and Canada.

On the African continent, unit management was introduced and adopted by the South African DCS in 1995. The first unit management correctional centre opened at Malmesbury in the Western Cape during December 1997 (Luyt *et al.*, 2010:6). Since then, all newly built correctional centres have been designed and managed according to unit management principles. The DCS is also in the process of converting older correctional centres to fit the unit management model (DCS, 2011b:2). In total, the DCS is responsible for the administration of 243 correctional centres, which include minimum, medium, and maximum-security correctional centres managed through the unit management concept (DCS, 2018/2019:35). In the DCS, there are several housing units, such as assessment units, general housing units, special care housing units, and pre-release, and release housing units (DCS, 2012a:30).

Upon admission, South African and foreign offenders are housed at the assessment unit for assessment purposes, while general living/housing units are mainstream housing units, in which the majority of offenders are accommodated based on their classification scores, after being released from the assessment unit (DCS, 2012a:30).

On the other hand, special care units accommodate offenders who display behaviour that cannot be dealt with at the general housing units, such as escape risk, assaulting officials or other inmates, inmates with psychological disorders, mental

health cases and inmates requiring protective custody (Luyt *et al.*, 2010:47). The pre-release and release housing units accommodate South African and foreign offenders who have completed half of their sentences and undergone all rehabilitation programmes as stated on their Correctional Sentence Plans, and those eligible for parole (Luyt *et al.*, 2010:47). Unit management is not a focus of this research study, but since the assessment of all offenders, including foreign offenders, is administered in the context of unit management, it is worth discussing what transpires with regard to South African and foreign offenders, when accommodated at assessment units.

3.6 ASSESSMENT UNITS

Carlson (2015:55) indicates that assessment centres, or units, accommodate offenders until they complete their required assessment and sentence plans. Afterwards, offenders are placed in the appropriate security level in correctional centres/housing units (maximum, medium and minimum) which best meet their programme needs. In this section, the researcher provides a brief overview of what transpires after a foreign offender is admitted to the DCS.

Upon completion of the Admission Risk and Needs Tool on the computer, a summary of the assessment, stipulating the immediate risks and needs of the foreign offender, is printed, and put on the newly opened case file. The case file is then handed over to the assessment unit manager (DCS, 2012a:26). The assessment unit manager then makes appropriate treatment/therapy programme participation decisions on behalf of the foreign offender to address the inmate's immediate risks and needs for intervention purposes. If the unit manager is unable to assist or assign the offender, because, for instance, the foreign offender's problem is beyond the scope of his duty (if the offender needs further specialised assessment such as a social worker or psychologist), the offender can be referred to the relevant service provider (DCS, 2012a:26). The case officer responsible for monitoring the implementation of Correctional Sentence Plan (CSP) will be tasked by the unit manager to liaise with the service provider or professional (DCS employed psychologist or a private criminologist), to assist with intervention or assessment of the foreign offender.

For example, a foreign offender might have been a breadwinner and a primary caregiver to his young children at the time of incarceration. The circumstances might be that since his incarceration, no one is available to take care of his children as he might not have relatives in South Africa. This foreign offender can be referred to a social worker to assist him. The internal social worker (a social worker working for the DCS) will liaise with an external social worker (a social worker working for the Department of Social Development or a Non-Governmental Organisation), to place the foreign offender's children in a place of safety while exploring the possibility of locating relatives outside South Africa, through the applicable foreign Embassy or international social services. As soon as they are located the foreign offender's children will be deported to their father's native country.

At the assessment unit, further assessment tools, such as the Comprehensive Risk and Needs Assessment Tool, and the Offender Profile, are completed through interviews with the foreign offender. According to Sun (2013:115), prior to performing in-depth assessment and interviews, CAOs must inform South African and foreign offenders of the purpose of the evaluation, and associated limits on confidentiality - meaning that the information the offender provides will be made available to other professionals (social workers, psychologists and criminologists) and members of parole boards according to the policy of the correctional institution.

After the completion of the Comprehensive Risk and Needs Assessment Tool, an Offender Profile is designed. The Offender Profile gives an understanding of the crime, the cause of criminal behaviour and the offender's offence cycle (meaning that the offender will provide detail of his criminal history) and assists in compiling a treatment plan or a CSP (DCS, 2007b:23). Foreign offenders must be involved in the formulation of their treatment plan and supervision (Sun, 2013:115). All relevant programmes that the foreign offenders must complete during incarceration will be clearly stated in their CSP. Within 21-days, all assessment processes must be completed, and the offender's CSP must be endorsed. Foreign offenders will then be placed at a respective housing unit (general housing unit or special care housing unit) based on the classification score (maximum, medium or minimum) attained, as well as their needs (rehabilitation and treatment) as outlined in their sentence plans (Luyt *et al.*, 2012:47; Stohr & Walsh, 2012:109).

Whilst at the different housing units, identified needs and risks are addressed, and foreign offenders are exposed to several rehabilitation programmes. Services and rehabilitation programmes available to foreign offenders during incarceration will be discussed later in this chapter. On a quarterly basis, the Case Review Team (CRT) - comprised of the unit manager as chairperson, a case management supervisor, and other service providers, such as social workers - convene to monitor implementation and review offender CSPs (DCS, 2012a:51).

Corroborating the existence of the CRT within correctional institutions, Schmalleger and Smykla (2015:277) assert that the unit team (typically composed of the unit manager, one or more case managers or two or more correctional counsellors - e.g. social workers and psychologists involved in an inmate's rehabilitation), meet with the inmate on a regular basis to develop, review, and discuss work assignments and programmes the inmate should be involved in, as well as any other needs or concerns the offender, or the staff, might have regarding offender progress. As the offender's incarceration period reduces, he will be reclassified with the Re-classification Tool (DCS, 2012a:51). Reclassification is necessary to enable South African and foreign offenders to progress from more restrictive accommodation, such as maximum, to less restrictive accommodation (medium) if their behaviour and risk level warrant the move. The opposite also applies, namely if South African and foreign offenders' relapse into recalcitrant behaviour, they will move from less restrictive to more restrictive accommodation, thus, minimum to medium (DCS, 2012a:51).

Eight weeks before their release date, foreign offenders are transferred to the Pre-release housing unit where they are assessed to determine their readiness for release, their likelihood of adapting to normal society (outside a correctional centre) and their reintegration into the community (DCS, 2012a:51). At this unit, they attend pre-release programmes dealing with job applications and attending interviews (DCS, 2012a:51). After deportation documents are received from the DHA, and after being granted parole, foreign offenders are collected by immigration officers at the correctional centre and taken to a deportation centre (Mabasa, 2016).

However, as will be alluded below, the general challenges (needs and risks) faced by foreign offenders, differ significantly from those of South African offenders, even

more so when the foreign offender is illegal (Warr, 2016:302). The needs and risks of foreign offenders within the DCS are discussed in detail below.

3.7 GENERAL CHALLENGES FACED BY MOZAMBICAN AND ZIMBABWEAN FOREIGN OFFENDERS IN SOUTH AFRICA

Being an illegal foreign offender means that such an offender will be deported after serving his sentence, and that the offender is not assisted with resettling in the community upon his release; despite the fact that most of these offenders find it hard to settle in the community and many relapses to crime (Stohr, Walsh & Hemmens, 2013:277). Illegal foreign offenders often face a tough time serving their sentences without family support, which is mostly ascribed to a lack of authentic identity documents for the offender and their family members (Turnbull & Hasselburg, 2016:140). All visitors to correctional centres must be in possession of a valid identity document (DCS, 2016:1). However, some of the family members and friends of foreign offenders are also illegally in the country, and this makes it impossible for them to visit their incarcerated family member or friend. This results in foreign offenders being vulnerable to gang membership, committing further crimes while incarcerated, and relapsing to crime (Betar, 2012:1). Visitation assists foreign offenders in coping with their incarceration, to better their behaviour and reduces their likelihood of reoffending (Cochran, 2013:4). The importance of the involvement, support and visitation of family members and friends, is further accentuated by Wooditch *et al.* (2014:279) who cite that maintaining family ties provides emotional support, reduces reoffending, and insulates a foreign offender from further criminal influence.

Due to the high escape risk (from the correctional centre and from the country), foreign offenders are not offered the same work opportunities as South African offenders (Motswatswe, 2016). Hence, due to the risk of escape, foreign offenders are not allocated to the offender working teams allowed to work in open fields outside correctional centres. Instead, foreign offenders are only allocated and allowed to work inside correctional centres, conducting work such as cleaning of the staff offices and the correctional centre's courtyard (Motswatswe, 2016). These work allocation restraints jeopardise a foreign offender's chance of being allocated to work, as work inside the correctional centres is scarce and limited. Thus, many

foreign offenders are idle, and their chance of gang recruitment increases because of their exclusion from the workforce, and lack of family contact and support (Siegel & Bartollas, 2016:314). Foreign offenders that are allocated to work, particularly those who do not receive visits and financial support from the outside, are able to buy phone cards using a gratuity paid to them, and this enables them to communicate with their significant others (Motswatswe, 2016).

Due to ethnic diversity, social (poverty and resentment towards foreigners by some of native citizens fortified by misconceptions that foreigners are criminals) and economic conditions (high unemployment rate and labour strikes), in the host country they find themselves in (Alfaro-Valcamp & Shaw, 2016:984), this population becomes more marginalised because access to social services, such as education, are limited (Nkosi, 2012:1). Adding to this, Canton and Hammond (2012:1) argue that the individual needs of foreign offenders are insufficiently addressed and that too little is done to support their rehabilitation and cessation from crime. Although Mozambican and Zimbabwean foreign offenders are not offered the same working opportunities as South African offenders, they are exposed to the same rehabilitation programmes. The rehabilitation programmes available to foreign offenders are discussed later in this chapter. A barrier that hampers foreign offender participation in rehabilitation programmes is often their inability to understand the language used during the facilitation thereof (Siegel & Bartollas, 2016:314; Moodley, 2016; Turnbull & Hasselberg, 2016:140). Most foreign offenders find it hard to understand the languages spoken in South Africa, which impedes their ability to understand the information conveyed during the rehabilitation programme (Moodley, 2016). In this regard, Moodley (2016) mentions that when the DCS's offender assessment tools and rehabilitation programmes were developed, the research team did not consider the language issue and the fact that Mozambican and Zimbabwean foreign offenders have unique needs apart from South African offenders. English was used as a medium of communication for the tools without recognising that most foreign offenders from Mozambique and Zimbabwe, are either illiterate or do not understand English (Moodley, 2016).

3.8 REHABILITATION SERVICES AVAILABLE TO THE MOZAMBIKAN AND ZIMBABWEAN FOREIGN OFFENDERS IN SOUTH AFRICA

The DCS provides a range of correctional programmes and professional rehabilitation services (education, social work, and psychological services) to both South African and foreign offenders. These combined services and skill development opportunities aid in reforming offenders into law-abiding citizens. Below follows a discussion of correctional programmes and professional services available in the DCS.

3.8.1 Correctional Programmes

According to DCS (2009:6), correctional programmes are just one of a number of endeavours which the DCS has embarked upon, in its quest to rehabilitate offenders and reintegrate them into the community as law-abiding citizens. Therefore, attendance and completion of correctional programmes will enhance foreign offenders' probability of parole (Stohr & Walsh, 2012:248). Correctional programmes are available to both South African and foreign offenders serving sentences of 24 months or longer if they have been assessed and have CSPs. Approved internal correctional programmes include anger management, substance abuse, pre-release, restorative justice, new beginnings orientation, behaviour modification, crossroads, sexual offences (for gang members that committed sexual crimes), economic crimes (for fraud and theft), and changing lane (murder-related offences) programmes.

Due to staff shortages, correctional programmes are not rendered in all correctional centres across the country (Plaatjies, 2016). To address the shortage of staff who facilitates correctional programmes, external service providers, such as the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) and KHULISA (a Non-Governmental Organisation that addresses social vulnerability as a systematic problem), are allowed to render quality assured programmes based on offender needs and risks as specified in the CSP (Plaatjies, 2016).

3.8.2 Educational Services

One of the paramount judgments required during the assessment and classification of offenders concerns the way according to which offenders will spend most of the daytime during their incarceration period. Education is an important service rendered to both foreign and South African offenders in the DCS (Smalberger, 2018:1). Through education, foreign offenders spend their incarceration period constructively, equip themselves with qualifications that impact positively on their futures, and once released they have educational qualifications to show for the time spent in a correctional centre (Siegel & Bartollas, 2016:260; Smalberger, 2018:1). Hence, education has far-reaching benefits for offenders. Education can assist in personal development, the development of a non-criminal mindset, rehabilitation, employment opportunities, desistance from crime; and in producing a person who can contribute positively to society (Champion, 2013:34; Pyrooz, 2014:60; Taylor, 2016:6). Thus, if foreign offenders are offered the opportunity to obtain or better their educational qualifications, their likelihood of reoffending is reduced.

Education and vocational training are the main preconditions for the successful reintegration of ex-offenders into society, and for the prevention of recidivism (Ndiye, 2014:66; Singh, 2016:8). Improving educational skills may reduce recidivism based on the following (Siegel & Bartollas, 2016:250; Siegel, 2016:225):

- Inmates who acquire sufficient reading and writing skills for functional literacy increase the possibility of lawful employment after release from the correctional centres.
- The educational process may lower the possibility of recidivism by improving offender conscientiousness, maturity, and dedication. Education may afford inmates with the ability to evaluate their decisions carefully, which might dissuade them from reoffending.

The following are educational courses offered to all offenders; Basic Literacy (for offenders who cannot read and write), Adult Education and Training (AET) levels 1 to 4, Further Education and Training mainstream courses (FET: Grade 10 to 12). The costs of studying are borne by the DCS, but foreign and South African offenders are responsible for paying for Higher Education and Training programmes (Degrees and diplomas) (Gqili, 2017). Although foreign offenders can study and attend educational

courses at correctional centres (Gqili, 2017), being in possession of an authentic identity document (either a passport or an identity document from the country of origin) is a prerequisite to register for matric (Grade 12) with the South African Department of Education. This often leaves most foreign offenders, particularly illegal foreigners, unable to register for matric as they are not in possession of identity documents or passports (Gqili, 2017).

3.8.3 Production Workshops and Agriculture

Several correctional centres have workshops where offenders are offered work opportunities to attain various skills such as woodwork, car mechanics, welding and sewing. The CMC is responsible for the placement of offenders and allocation of work (DCS, 2011a:20). Foreign and South African offenders serving longer sentences (i.e. five to seven years) are allocated here because they will stay in the system longer and have sufficient time for proper skills transfer.

Lepule (2016) mentions that all offenders chosen to work, are medically screened to check if they have certain diseases before they are allocated to working teams. This is to exonerate the DCS from claims by offenders that acquire certain ailments because they are exposed to health risks while working at the DCS (Masilela, 2016). Although foreign offenders are offered the opportunity to work in the production workshops and agriculture section, they are not offered any formal training like that offered to South African offenders, because such training is offered by the Department of Higher Education and Training, which requires a South African identity document for enrolment (Masilela, 2016).

3.8.4 Social Work Services

Social work is one of the most employed professional services in the DCS. According to the DCS (2017:1), there were 638 financed posts for social workers, of which 595 posts are filled, and 43 were vacant. This means that there were 595 social workers for the 117 191 sentenced offenders. Concisely, for every social worker, there are 197 sentenced offenders. Inter alia, social workers offer the following services to both foreign and South African offenders, risk assessment for reoffending, individual counselling and therapy, facilitation of group counselling through programmes, and compilation of parole board reports to assist the parole

board to make decisions regarding possible early and conditional release of sentenced offenders (Boikhutso, 2016; Makhuza, 2016; Seloane 2016).

Although social workers play an imperative role, there are always challenges encountered when working with foreign offenders. Due to security reasons, social workers may have to delay or defer their daily work plans with foreign and native offenders, especially during surprise searches and roll calls (an act of counting offenders one by one while checking if their names correspond with their warrants of incarceration). Sometimes there is a shortage of correctional officials to escort foreign offenders from the housing units to the social work offices. This result in a backlog and often, South African and foreign offenders are deferred for parole consideration as the programmes stipulated in their CSPs are not complete (Makhuza, 2016; Muntingh, 2009:15).

Alluding to the challenges faced by social workers, Community Care (2011:1) cites that correctional centres are very bureaucratic and administered in a manner that security is prioritised above all activities. Sharing the same sentiments is Cheryl Garrett, a social worker working in the British Correctional System since 2008. She comments that “...*there are lots of dementias which can get hidden within the correctional system because it's much regulated and things are all done at a certain time...*” (Community Care, 2011:1). To avoid conflict between professional and custodial services, and a backlog of foreign offenders not receiving social work services, Allen, Latessa and Ponder (2010:151) suggest that policies and guidelines for corrections institutional rules and regulations, should be developed and all the present rules and regulations should be revised to ensure that the demands of security do not negate the objectives of treatment.

3.8.5 Psychological Services

Hesselink-Louw (2004:73) states that correctional psychologists focus primarily on the mental health functioning of sentenced offenders. Inter alia, the tasks of correctional psychologists, including diagnosing and treating sentenced offenders. During March 2017, there were 94 financed posts for psychologists, of which 79 posts were filled, and 15 were vacant (DCS, 2017:1). This means that there were 94 psychologists for the 117 191 sentenced offenders. In sum, for every psychologist, there were 1 247 sentenced offenders. According to Muntingh (2009:14), it is well

known that the DCS has a shortage of professional staff such as nurses, medical doctors, and psychologists. These professionals play a key role in meeting the legislative requirements of the Correctional Services Act, and the implementation of the DCS's White Paper on Corrections. The staff-offender ratio supports crisis-intervention as a preferred method of offender treatment, rather than individualised therapy and assessment, meaning that more foreign offenders are assisted through group work (programmes) than one-on-one intervention, of which the latter is mostly reserved for crisis (i.e. suicidal tendencies and thoughts) (Hesselink-Louw, 2004:74).

Although the aforementioned services are not available at all correctional centres, if certain services (correctional programmes, educational services, social work services, production and agricultural services and psychological services) are recommended to particular foreign offenders to aid in their rehabilitation, and such services are not available at correctional centres where the offenders are incarcerated, it is recommended that the offenders be transferred to correctional centres that offer the required services (Moodley, 2019).

3.9 BEYOND INCARCERATION: DEPORTATION OF MOZAMBIKAN AND ZIMBABWEAN FOREIGN OFFENDERS

Apart from the challenges that Mozambican and Zimbabwean foreign offenders face while incarcerated, they face hardship while waiting in limbo for deportation at the Lindela Deportation Centre (Gauteng Province) (Moatshe, 2014:1; Turnbull & Hasselberg, 2016:143). The DCS grants foreign offenders' parole just like South African offenders, on condition that they are deported back to their countries of origin (DCS, 2012d:1; Rammutla, 2012). Adding on this, Louw (2008:135) cites that the treatment of foreign offenders in South African correctional centres, in terms of admission, detention, protection of human rights and privileges is exactly the same as the treatment of South African offenders. However, a deportation order must be available before a foreign offender is placed on parole (Motswatswe, 2016; Turnbull & Hasselburg, 2016:140). Deportees are prohibited from returning to South Africa before their parole period has expired (Louw, 2008:135). After being deported to their respective countries, they are not monitored or assisted with resettlement (Engelbrecht, 2016:1). Thus, proper reintegration of Mozambican and Zimbabwean foreign offenders with their families and communities is not being carried out, and

this makes them susceptible to illegal re-entry into South Africa and to reoffending (Mataboge, 2013:1).

The DHA accommodates the deportation of former foreign offenders and other illegal immigrants, to their native countries via the Lindela Repatriation Centre in Krugersdorp, Gauteng (Mataboge, 2013:7). Due to proximity to South Africa; Mozambican and Zimbabwean foreign offenders oftentimes return to South Africa several days after deportation but cannot be captured for contravening parole terms because they were initially deported (Mataboge, 2013:7). When a former Zimbabwean foreign offender was interviewed by Mataboge (2013:7), she mentioned that after being released from the correctional centre and being deported to her native country, she was free and unencumbered. She commented “*When you get to Zimbabwe you are not arrested. They [Zimbabwean Police Officials] don’t arrest you because you didn’t commit a crime in that country. They let you free, and you go wherever you want. After being deported home, I returned to South Africa on the same day*”. According to Mataboge (2013:7), the DHA spends at least 90 million Rand a year on deporting illegal immigrants to their countries, despite the fact that many of them make their way back to South Africa within days.

3.10 FUTURE POLICY PROPOSALS: INTERSTATE TRANSFER OF FOREIGN OFFENDERS WITHIN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

South Africa is not a party to the International Transfer of Offender Treaty/ Council of Europe’s Convention on the Transfer of Sentenced Person (1985) which allows the transfer of foreign offenders to serve their sentences in their native countries. This puts foreign offenders sentenced and incarcerated in South Africa, and South African offenders sentenced and incarcerated abroad, at a disadvantage (Mujuzi, 2013:154). Being sentenced and incarcerated in a foreign country that is not a treaty member means that offenders will not be transferred to their native countries until they have served their sentences (Mujuzi, 2013:154).

Family and friends play a vital role during the incarceration process and parole considerations. Mears, Cochran, Siennick and Bales (2012:892) emphasise that family and friends should frequently communicate with offenders either by visiting or

writing letters in order to provide moral support and ease and aid the incarceration path. Family members of foreign offenders must often, however, incur exorbitant prices for travelling to foreign countries to visit their incarcerated family members (Betar, 2012:1). Due to this, some foreign offenders serve their sentences without visits from their families because the latter cannot afford the cost of travelling to South Africa (Gouws, 2015).

In order to ensure sustainable relationships, exchange of information, knowledge regarding correctional matters, and successful reintegration of foreign offenders, the DCS proposes the interstate transfer of foreign offenders within the Southern African Development Community/SADC (Engelbrecht, 2016:2). The following countries are members of SADC: Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia, and Zimbabwe (Southern African Development Community, 2013:1). In support of the interstate transfer treaty, Engelbrecht (2016:1) articulates that foreign offenders are more likely to respond positively to rehabilitative programmes in their native countries, because of familiarity with culture and language. Although the DCS is considering the interstate transfer of offenders, Mujuzi (2013:164) cautions the following:

- South Africans sentenced abroad and transferred back to South Africa to serve their sentences, might challenge the legality of their conviction and sentence on the basis that their trial was unfair, and that had they been trialled in South Africa, the court could have arrived at a different conclusion. This could happen especially if it is found that the trial was unfair and unjust as it violated some of the prescripts stated in the United Nations International Covenant on Civil and Political Rights (1966), and African Charter on Human and Peoples Rights (1981). However, the offenders cannot use the constitutionally enshrined Bill of Rights to argue unfair trial because the Constitution of the Republic of South Africa, 1996 only applies in South Africa.
- Incompatibility of laws and duration of sentences in the transferring and the administering countries, e.g. life imprisonment in South Africa means an offender will be considered for parole after serving 25 years, whilst in Zimbabwe, life imprisonment means an offender will be imprisoned for life.

- Converting sentences for compatibility with the laws of the receiving/administering country might be resisted by offenders, and they might refuse to give consent to transfer, particularly if the sentence will be converted to a harsher one. The transferring countries might also refuse to give consent if the receiving countries reduce sentences, as that amounts to an erosion of their rule of law.
- Poor prison conditions and overcrowding in some of the countries might also impede the endorsement of the agreement.

3.11 CONCLUSION

Similar to other correctional departments worldwide, the South African DCS subjects all sentenced offenders - including foreigners - to assessment procedures. All categories of offenders are assessed using the same tools except for South African and foreign offenders sentenced to less than 24 months. South African and foreign offender sentenced to less than 24 months are only subjected to initial needs and risks assessment and are then classified accordingly. Foreign offenders sentenced to more than 24 months are accommodated at the Assessment Unit and subjected to intensive assessment and profiling offered by the DCS. The DCS employs many offender assessment tools, which, is avered, are repetitive, which makes assessment a lengthy process. The DCS requires one assessment tool that will assess an offender from the point of admission to the point of release. However, certain categories of offenders (sexual offenders) require specific additional assessment tools that focus solely on sexual crimes and illicit sexual behaviour.

Upon completion of the assessments, CSPs are developed for foreign offenders serving more than 24 months imprisonment. During incarceration, foreign offenders are exposed to several correctional, educational, social, and psychological programmes selected according to the needs and risks identified during assessment. However, these correctional programmes and services were developed and are communicated in a language that foreign offenders often do not understand. Illegal foreign offenders often face difficulties in serving their sentences without family support because neither they nor their family members have authentic identity documents.

After being granted parole, foreign offenders are sent to a Home Affairs deportation centre to await deportation to their native countries and are not allowed to return to South Africa before the expiration of the parole period. After deportation, deportees are released and unmonitored and do not receive any help with resettlement. Oftentimes the majority return to South Africa within several days after deportation. These ex-foreign offenders cannot be recaptured for contravening their parole terms, because they were initially deported, and only after committing another crime in South Africa, can they be arrested.

To address foreign offender needs (e.g. not understanding the language used during their rehabilitation period), interstate offender transfer agreements within SADC countries has been proposed. Although this will result in foreign offenders attaining criminal records in their native countries, they will be able to understand the language used in a correctional centre. However, unfairness relating to the trial, incompatibility of laws, and poor prison conditions in some countries could hamper the endorsement of the agreement by South Africa.

CHAPTER 4

METHODOLOGICAL OUTLAY: ASSESSMENT OF FOREIGN OFFENDERS IN THE DEPARTMENT OF CORRECTIONAL SERVICES

4.1 INTRODUCTION

As alluded to in chapter three, the assessment of sentenced South African and foreign offenders is not a new endeavour in the DCS. Although foreign offenders are classified as a special category in the DCS (DCS, 2005:168), there have been no scientific studies aimed at thoroughly assessing foreign offenders to determine their needs, risks and aetiology related to their criminal behaviour. There is also no specific policy regarding the treatment of foreign offenders as is the case with other offenders classified as special category e.g. elderly offenders and offenders with disabilities (DCS, 2005:168).

This chapter describes the methodological approach employed to complete the criminological assessment of sentenced, adult, African, male, foreign offenders from Mozambique and Zimbabwe incarcerated at the Losperfontein Correctional Centre in Brits, South Africa. Later in this chapter, the role of crime theories and different criminological theories will be discussed with the aim of using them to explain the criminal behaviour of the chosen sample.

4.2 RESEARCH RATIONALE AND THE MOTIVES

Globally, foreign offenders are marginalised and oftentimes regarded as more dangerous, violent, and susceptible to crime than native citizens; and are at times blamed for upsurges in crime (Sydes, 2017:2). South Africa is no exception to these beliefs. Since 2008, numerous attacks on foreign nationals in South Africa have occurred with some foreigners accused of selling drugs and promoting prostitution (Alfaro-Velcamp & Shaw, 2016:993; Chutel, 2017:1; Oatway, 2017:1). According to the UN Integrated Regional Information Network (IRIN) (2014:1), during the Police Parliamentary Briefing held in March 2010, the then acting Gauteng Chief of Police,

Mr Simon Mpembe, reportedly informed the Police Parliamentary Committee that foreigners increase the number of people to police. He commented, “...*there are more people to police, but we do not have enough officials to do the extra work, we can’t say we won’t police them because they come from another country*”. At the same briefing session, the then Limpopo Chief of Police, Mr Calvin Sengani, shared the same sentiment and proclaimed: “*Foreigners flood our towns and cities. They cause a great number of problems with crime; we arrest and protect them with resources intended for our citizens*” (IRIN of the United Nations, 2014:1).

These statements were accentuated by the iterations of the former Minister of Police, Mr Fikile Mbalula and the former President Jacob Zuma. During a media briefing regarding the Police Ministry’s Strategic Plan for 2017 to 2019, Mr Fikile Mbalula remarked “*There is a group of these criminals (Zimbabweans) who come from the army. They come into this country (South Africa), they rob, they terrorise, and they kill. That’s what they do. So, we arrest them. We have got them*” (Claymore, 2017:1). Concern regarding the involvement of illegal foreigners in crime and their employment in South Africa was raised by former President Jacob Zuma during the annual opening of the National House of Traditional Leaders in Cape Town (The Presidency of the Republic of South Africa, 2017:1). The President confirmed that strict measures are underway to curb illegal immigration into South Africa: “*There is no country in the world that encourages or freely allows illegal migration. South Africans cannot be expected to be different in this regard*” (The Presidency of the Republic of South Africa, 2017:1).

To reinforce a belief that foreign nationals are crime-prone and exacerbate crime in South Africa, the following criminal cases involving foreign offenders are often cited. The late Mozambican Ananias Mathe, a notorious serial killer, serial rapist and armed robber who was sentenced to 54 years in custody by the Gauteng High Court (Dlamini, 2016:1). Mathe’s escape from a maximum facility (C-Max) in Pretoria in 2006 spurred a media frenzy and shocked the South African community. He was re-arrested two weeks after his escape in the affluent Johannesburg (Gauteng Province) suburb of Craighall and died in custody in 2016 (Wicks, 2016:1). Another case is that of a notorious Zimbabwean escape artist Bongani Moyo, who was sentenced for bank robbery and two escapes. Moyo escaped from the Boksburg Correctional Centre in March 2011 (South African Press Association, 2013:1). He

was re-arrested near the Beitbridge border post in Limpopo while making his way back into South Africa from Zimbabwe. While on trial, Moyo walked out of the Pretoria Magistrate's Court in August 2011, while on crutches. In March 2012, he attempted to escape from custody at the Kgoši Mampuru II Correctional Centre (formerly known as Pretoria Central Prison). Moyo was re-arrested and sentenced to 277 years in custody, and the court ordered that he serves 62 years before being released (Venter, 2013:1). The cases may signify the marginalised status of foreign offenders in South Africa.

The DCS's White Paper on Corrections (2005:171) clearly stipulates that rehabilitation requires resources (i.e. correctional staff, professional staff, rehabilitation programmes and finance to feed and house offenders), and it is not justifiable to focus limited resources on foreign offenders who may not benefit from or understand the content of rehabilitation programmes. Although the policy emphasises that priority is given to South African offenders, the National Offender Population Profile of the Department of Correctional Services (2016:2), portrays that the number of sentenced foreign offenders in the custody of the DCS is increasing. According to the same statistical report, there were 6 025 foreign offenders during the 2011/2012 financial year, and the number escalated to 7 039 in the 2015/2016 financial year. The report states that the majority of foreign nationals are from Mozambique (1847) and Zimbabwe (2590) (DCS, 2016:2).

Despite their presence and continued increase in numbers, there has not been any scientific research conducted on the causes of foreign offender (Mozambican and Zimbabwean) crimes, the significance of their criminal behaviour or their needs and risks within a correctional set-up. When offender assessment tools, currently employed in the DCS were developed, this group of offenders were not acknowledged (Moodley, 2016). Thus, for example, the assessment tools were written only in English. The language constraint reinforces the argument that foreign offenders are marginalised. The marginalisation may also be accentuated by the DCS policy (DCS's White Paper on Corrections) that focusses resources towards the rehabilitation of South African offenders (DCS, 2005:168). The identified research vacuum, marginalisation of foreign offenders, an increase of foreign offenders from Mozambique and Zimbabwe warrant this research.

This research employs a criminological assessment of cases. A qualitative, in-depth case study analysis endorses and allows for condensed sample size, as it allows the researcher to outline and emphasise the importance of the richness and value of the data associated with a novel topic (Gerring, 2017:32; Malcom, 2017:10). The research explores and identifies African, male, Mozambican, and Zimbabwean foreign offender family backgrounds, criminal histories, the aetiology of criminality, as well as their needs and risks associated with offender management and for rehabilitation purposes.

4.3 BENEFITS OF THE RESEARCH

Due to language barriers and a lack of understanding of foreign offender (Mozambican and Zimbabweans) criminal behaviour, it is not easy to achieve rehabilitation and re-modification of criminal behaviour in this offender population (DCS's White Paper on Corrections, 2005:171; Slade, 2016:1). This research can thus assist the DCS to understand the criminal behaviours of the sample-specific Mozambican and Zimbabwean foreign offenders regarding their risks and needs. The findings of this research may furthermore be used as a prelude for further studies regarding foreign offenders. The outcomes of this research may also be used as a springboard for the development of rehabilitation programmes for these offenders, for self-development programmes or for correctional therapy that specifically targets the sample-specific foreign offender needs and risks. The causes of criminal behaviour, contributory factors to criminal involvement, and motives associated with the selected Mozambican and Zimbabwean foreign offender criminal behaviour can furthermore guide further assessments related to this group by professionals (social workers and psychologists) and be incorporated into the programme or rehabilitation-needs content.

This research may also galvanise discussions about the development of policy regarding foreign offenders. The DCS's White Paper on Corrections (2005:171) proposes that the DCS should enter exchange of offender treaties with the countries from which most foreign offenders originate, as this will allow foreign offenders to serve their sentences in their native countries, and in an environment conducive to rehabilitation. Although this proposal was made as early as 2005, at the time of writing the DCS has not entered into any foreign offender transfer treaty

(Engelbrecht, 2016), but discussions and proposals are underway. Thus, this research might assist in expediting the process of concluding interstate transfer agreements as contemplated in the DCS's White Paper on Corrections. Additionally, this study might sensitise the DCS to treat foreign offenders with a better understanding to enhance their rehabilitation.

Pertaining to the benefits for the participants, this research provided the foreign offender with a voice, and an opportunity to express feelings and experiences regarding incarceration, and to reflect on their crimes without judgement. Participation in this research project allowed foreign offenders to gain insight and understanding into their crimes, the causes related to their criminal behaviour and might enable them to make non-criminal decisions in future.

Some of the participants (see, for instance, Chapter 5, case study two) who experienced personal problems that needed urgent attention were referred to the relevant professionals such as social workers during this research.

Due to the dearth of criminological research on African, male, sentenced, foreign offenders, incarcerated at DCS correctional facilities, this study will add knowledge to the discipline of criminology by illustrating how theories are linked to practice (the identification and explanation of criminal behaviour) when applied to a marginalised offender population.

4.4 METHODOLOGY

The following section focusses on the research methodology employed, and procedures followed to collect and analyse data.

4.4.1 Research Approach

This study followed a qualitative approach with selected Mozambican aged 39 to 58 years and Zimbabwean aged 36 to 41 years foreign offenders who are interviewed to determine causes, motives, and contributory factors of criminal behaviour, and to identify criminological needs and risks relating to offending behaviour and rehabilitation needs. Bachman and Schutt (2014:16) maintain that qualitative research employs data collection methods such as interviews, observation and focus groups, to capture social life (criminal life) as the participant experiences it, in mostly

written or spoken words. Qualitative research is unstructured, and researchers are key instruments in collecting data through examining documents, observing behaviour, and interviewing participants (De Vos *et al.*, 2011:63-65; Magnusson, 2015:80; Mann, 2016:10; Yin 2016:8). A qualitative research design afforded the researcher the opportunity to study foreign offender criminal behaviour in detail.

This research follows a case study design. Thomas (2016:10) defines a case study as an in-depth exploration from multiple perspectives (i.e. interviews, observations and documents analysis) regarding the complexity of criminal behaviour. Six case studies, comprising of three Mozambican and three Zimbabwean foreign offenders, were criminologically assessed to determine the risks and needs, motives, contributory factors and causes related to their criminal behaviour. These cases were scrutinised with a focus on childhood to adulthood in order to trace the age of onset of criminal behaviour. Creswell (2014:13) supports a case study analysis as a qualitative design in which an in-depth analysis of a case is used as this method adds to the richness of the data. The primary purpose of using a case study design is to study selected cases of Mozambican and Zimbabwean foreign offenders from a holistic perspective (i.e. their upbringing, child and adulthood, education, employment, and criminal history) and to gain an in-depth understanding of the unique causes, motives and contributory factors related to their crimes (Yin, 2014:17). Summing up the imperative of a case study, De Vos, *et al.* (2011:321) and Thomas (2016:10) posit that a case study is particularly useful in producing new knowledge that may inform future policy development.

4.4.2 Purpose and Goal of the Research

This research fits the description of applied research as it is aimed at contributing towards possible practical solutions (i.e. offender-specific rehabilitation and policy change) regarding the assessment of foreign offenders (Babbie, 2016:40). The number of foreign offenders from Mozambique and Zimbabwe is increasing (DCS, 2016:2) and the DCS admits that it does not understand the aetiology of criminal behaviour and specific needs and risks related to this group of offenders (DCS 2005:121). In support of applied research, Kumar (2014:10) avers that information gathered through applied research can be used in policy formulation, improved administration, and the enhancement of understanding of a phenomenon. As

indicated earlier, this research may assist the DCS to understand the criminal behaviour of the sample-specific foreign offenders in custody and might further incite discussions on policy change. Nonetheless, Neuman (2014:27) warns that because the results of applied research can bring change in policy, it can also generate controversy. Due to continuous incidents of xenophobic attacks on foreign nationals living in South Africa, and the belief that they are susceptible to commit a crime (Nicolson, 2017:1), this research might also assist South African communities in understanding the needs and risks and decreasing further marginalisation of foreign offenders.

Since there is a paucity of research pertaining to this group of foreign offenders (Mozambican and Zimbabwean), this research appropriately fits the objective of exploratory research. Babbie (2013:90) and Neuman, (2011:38) sum-up exploratory research as an endeavour that examines a little-understood issue, or a subject of study that is relatively new. Therefore, the vacuum in research regarding the assessment of foreign offenders (Mozambicans and Zimbabweans) in custody of the DCS, and the lack of analysis of their crimes and criminal behaviour piqued the researcher's interest in this project. Consequently, this exploratory research motivated the desire to better understand criminal behaviour by foreign offenders and might stimulate a more extensive study for future researchers (Babbie & Benaquisto, 2010:80).

The criminological assessment presented in the case studies focuses on an in-depth analysis of the offender's crime and criminality in totality. Individualised and unique sample-specific needs and risks indicators will be determined to establish criteria for treatment, therapy and possible development of DCS foreign offenders. The DCS will also gain a better understanding of this category of offenders' family backgrounds, their criminal behaviour, causes of their crimes and specific needs and risks.

4.4.3 Research Questions

Research questions aid in determining the methodological approach, and they direct and guide all the phases (i.e. literature review, data collection, analysis and report writing) of the research project (Newsome, 2016:85). Research questions steer a research project and assist the researcher in staying focused and achieve the goal of

the study (Heather & Jones, 2014:18; Martler, 2015:23). Activities performed in this qualitative research project aim to attain the goal of answering research questions (Aurini, 2016:110; Gordon, 2016:27). This research project aims to provide answers to the following research questions:

1. How do selected international (Canada, Washington State, and Pennsylvania State departments of correction), and national (South African DCS) correctional departments assess foreign offenders incarcerated at their facilities? As mentioned in Chapter 1, the historical background of offender assessment for each country is provided. The process followed to assess foreign offenders at the respective correctional departments, and the offender assessment tools used are discussed. This literature review and extensive discussion thereof is supplied in Chapters two (international assessment of foreign offenders) and three (national assessment of foreign offenders).
2. What are the causes, motives, and contributory factors related to the sample-specific offender's crimes? To answer this question, in Chapter five, each foreign offender's personal, familial, social, and educational influences, as well as environmental factors that played a contributory role to criminal behaviour, are explored. From this, aetiology, motives, and contributory factors associated with the offender's criminal involvement are identified.
3. What are the needs and risks of sample-specific offenders (Mozambican and Zimbabwean) for effective and individualised rehabilitation efforts? Here, the researcher extrapolates each offender's causes, motives and contributory factors, unique offender-specific and offence-specific needs, and risks, and explains their behaviour against applicable criminological theories, aided by an in-depth case study analysis provided in Chapter five.

4.4.4 Ethical feasibility of the Study

The researcher is an employee of the DCS and previously worked as a social worker at the correctional centre where this research was conducted. This enabled the researcher access to the participants; the researcher was allocated an office at the social work section to conduct in-depth interviews with the participants.

After both the UNISA and the Department of Correctional Services granted the researcher ethical clearance and approved the research (see Annexures A and B),

the researcher requested the social worker, based at the correctional centre, to generate name lists of sentenced, adult, male, Mozambican, and Zimbabwean foreign offenders from the Admission and Release (A&R) system for Losperfontein Correctional Centre. The researcher then visited the correctional centre, where all foreign offenders from Mozambique and Zimbabwe gathered at the social work section programme room. The possible participants were informed of the research purpose, aim, goal and objective and the informed consent form were read and explained to them, and the researcher then requested their participation (Israel, 2015:79). The researcher explained to the possible participants that participation was voluntary and that there would be no benefits for participating (Cowburn *et al.*, 2016:80). Therefore the research was ethically feasible as the participants were informed about what it entails to participate and they participated voluntarily in the research

4.4.5 Sampling

Sampling is a cardinal rule of any research project; it means in every research study, a sample must be selected. Conducting research with the entire population is prohibitively and exorbitantly expensive, time-consuming and unfeasible. Supporting this, Ruel *et al.* (2016:152) indicate that even if it was theoretically possible to identify, contact and study the entire relevant population, time and cost considerations usually make this unfeasible. Therefore, the researcher could not include all the unit of analysis, Mozambican and Zimbabwean, male, adult, foreign offenders incarcerated at the DCS. Hence, the researcher selected the Losperfontein Correctional Centre for this study. Sampling is a practical way of collecting data when the population is infinite or extremely large, and including the entire element is thus impossible (Bless, Higson-Smith & Sithole, 2013:163). For this research, six adults, male, sentenced, foreign offenders from Mozambique and Zimbabwe were selected through purposive sampling discussed in detail below. Supporting the small sample, Ruel *et al.* (2016:152) and Sarantakos (2013:169) explain that an in-depth case study analysis in qualitative research allows for relatively limited and non-representative samples, and the size of the sample is not statistically determined. The fundamental reason of studying limited case studies is not a generalisation but particularisation, meaning that the emphasis is on the importance of the richness,

and value of the data concerning criminal behaviour in each case (Gerring, 2017:32; Malcom, 2017:10; Yin, 2014:17).

4.4.5.1 Purposive Sampling

Purposive sampling is a non-probability sampling method in which the researcher uses his expert knowledge to select a sample (Bless *et al.*, 2013:172; Sarantakos, 2013:164). In this regard, six sentenced foreign offenders (three from Mozambique and three from Zimbabwe) were recruited to be included in the sample. Foreign offenders from other countries, such as Lesotho and Nigeria, constituted an insignificant number of foreigners in Losperfontein Correctional Centre and were thus not included in this research.

From the name list obtained from Losperfontein Correctional Centre's A&R system, thirty-four (34) foreign nationals (20 Mozambicans and 14 Zimbabweans) were identified. Twenty offenders refused to be part of the research. From the fourteen remaining, four offenders quit before being interviewed. Thus, 24 foreign offenders decided not to participate in the research partly because they had expected the research to bring immediate solutions to their problems such as allowing their family members and friends to visit them without identity documents and being allowed to register for Grade 12 without valid identity documents. As noted, before, being in possession of a valid identity document is a prerequisite to register for Grade 12 and to visit sentenced offenders in the correctional centre (Gqili, 2017, Mabasa, 2016). If a visitor is a foreigner, he or she must prove his/her nationality and residential status by producing a work permit from the DHA, or a passport (Mabasa, 2016). Since many foreign nationals are illegal foreigners, their friends and family members who are also illegal immigrants in South Africa, cannot visit them.

In the end, ten offenders availed themselves for the research and the researcher planned to include all of them in the sample. Based on their nationality, they were classified into three categories according to their respective crimes, namely aggressive, economic, and sexual crimes. Supporting this classification, Bachman and Schutt (2014:119) elucidate that purposive sampling ensures that all key constituencies relevant to the subject matter are covered, and some diversity is included so that the impact of the characteristics concerned can be explored. Advocating the use of purposive sampling, Maxfield and Babbie (2016:160) state

that the purposive sample is less cumbersome if researchers know a great deal about the population of elements they are studying in advance. Thus, this handpicked sample offered a better representation of the population than any group picked using probability sampling methods.

Six offenders (Mozambican and Zimbabwean) were categorised as having committed aggressive crimes and thus constituted the majority (DCS, 2016:22). Three offenders resorted under the category of economic crime, whilst one offender resorted under the sexual crime category.

4.4.5.2 Pilot Testing

A pilot test is a fundamental research rule and conducted on potential participants to assess if they understand themes to be discussed in the main study (Kraska & Neuman; 2012:196; Martens, 2015:200). From the ten offenders that were recruited, a pilot testing of the semi-structured interview schedule was conducted with four participants who were not included in the main research study. Pilot testing was conducted for the following reasons:

- To establish if the participants understand the themes included in the interview schedule.
- The interview schedule is exceedingly long as it comprises of fifteen (15) pages, and it was, therefore, vital to evaluate how much time is needed per interview.
- To establish how many cassettes were needed per interview for the tape recorder.
- To ascertain whether the participants understand the content related questions that resort under the themes.

Although Setswana and English are dominant languages spoken in the area in which Losperfontein Correctional Centre is situated, during the pilot testing phase, it became clear that two participants misunderstood some of the questions - particularly questions regarding their criminal history and modus operandi - because they did not adequately understand English. This resulted in the offenders being unable to express themselves and giving irrelevant answers to the questions posed. To accommodate the participants who are not fluent in English, the researcher

decided to conduct some of the interviews in Setswana, and the researcher simplified the themes by refraining from legal terms (for instance the phrase *modus operandi* was changed to 'the method of committing crime').

Most foreign offenders either know one or both languages because they learn English and Setswana from other South African offenders. The researcher speaks and understands both these languages, and Setswana is the researcher's home language. Thus, gathering data and conducting interviews was easier because there was no language barrier between the researcher and participants.

The pilot testing phase also assisted with arranging logistics for conducting interviews with offenders. Correctional centres are very bureaucratic, and security is always emphasised. For this reason, the researcher took into consideration that on some of the day's offenders were not available for interviews - for instance during roll-call days (an act of counting offenders one by one while checking if their names correspond with their warrants of incarceration) and when the tuck-shop is open for offenders to purchase groceries and toiletries. To save costs associated with driving to Losperfontein Correctional Centre and then not being able to interview the participants, the researcher spoke to the head of the reception/assessment unit regarding the dates when the tuck-shop opens for offenders and when roll-calls occur. As a result of this, the interviews were conducted on the third week of the month because roll-call is conducted during the last week (the fourth week) of every month, and the tuck-shop is open on the first and second week of every month.

4.5 ESTABLISHING RAPPORT WITH PARTICIPANTS

As mentioned before, the researcher is a social worker by profession and practised for three years (from 2008 to 2011) at the same correctional centre. He, therefore, has adequate experience in conducting interviews with both South African and foreign offenders. The interviewing skills and experience gained over three years of social work practice worked to the advantage of the researcher, as he was experienced in this skill and could conduct the interviews with the necessary confidence.

Most of the participants were incarcerated and serving their sentences at Losperfontein Correctional Centre during the time that the researcher was employed

there as a social worker. This made it easier for the researcher to converse with offenders willing to participate in research, and to earn their trust. However, none of the participants was former clients of the researcher during his years at the Correctional Centre, and therefore there is no conflict of interest in this research (in this regard, please see section 4.12.3 below). The offenders were at ease because they knew the researcher as professional and trustworthy and that all information would be handled in a confidential manner. The section below focuses on the research ethics adhered to while conducting the research.

4.6 DATA COLLECTION

The methods used to collect data were semi-structured interviews, access to the participant correctional files and they are discussed in detail below.

4.6.1 Conducting semi-structured interviews

An interview is a prime method of data collection in qualitative research (Salmons, 2015:16). Kumar (2014:211) explains that semi-structured interviews afford the researcher and participants more flexibility, as the researcher is able to follow-up on interesting avenues (e.g. how offenders gained access to South Africa and how they committed crime) that emerge during the interview, and the participants are able to provide immediate answers and more information where necessary. When conducting a semi-structured interview, the researcher must have a set of predetermined themes to accompany the interview schedule, that guides but do not dictate the interview (De Vos *et al.*, 2011:352; Salmons, 2015:16). A semi-structured one-on-one interview schedule with themes such as family history, childhood history, educational, employment and criminal history (see Annexure C), approved by both the DCS Research Ethical Committee and UNISA's Research Ethical Committee was used to gather the data. The time required for the interview (one hour and 30 minutes) was explained to the participants beforehand.

Due to some of the foreign offenders having limited education, and being unable to speak and understand English, some of the interviews were conducted in Setswana. This assisted the researcher in gathering enough information because these foreign offenders were at ease while speaking. The interviews conducted in Setswana were subsequently translated to English.

Davies and Hughes (2014:183) aver that semi-structured interviews are suitable when studying an issue that is complex and personal. Interviewing foreign offenders about their family background, childhood and criminal history are very personal. Furthermore, considering the xenophobic attacks that foreigners experienced in South Africa during 2008, 2015, and 2017, and the sporadic intimidation they sometimes endure (Charman & Piper, 2012:82; Kufandarerwa, 2017:1; Misago, Freemantle & Landau, 2015:13), conducting research with foreign offenders, not to mention illegal foreign offenders, in South Africa, can be a daunting task. This thus, makes a semi-structured interview an appropriate method of data collection.

Most of the foreign offenders were sceptical about the aim of the research, since most of them are in South Africa illegally, and were reluctant to participate in the research. Most foreign offenders requested to be excused and to be excluded from the research. Many stated that they do not want to get into 'trouble'. They were scared to be questioned regarding the whereabouts of their family members and friends who are also in South Africa illegally. Some foreign offenders believed that being interviewed would expose their illegal family members, and lead to arrest and deportation.

The semi-structured one-on-one interview was the most apposite data gathering method, as the researcher had adequate time to allay participant fears (e.g. fear that their original names will be disclosed) (Salmons, 2015:16). At the beginning of each interview, the researcher explained that any information discussed during the interview will remain confidential and that names will not be used in the research report.

4.6.2 Documents analysis

Documents analysis entails studying documents that contain previously collected information about a case. It allows the researcher to verify the information that was previously collected (De Vos *et al.*, 2011:386; Loseke, 2017:125). Beaudry and Miller (2016:86) state that offender versions of events cannot be accepted unquestioned; thus, reference must be made to other sources such as criminal records, court documents and police reports as these additional sources assist in verifying the offender accounts of the offence and criminal behaviour. In this research, the researcher consulted offender CMC files which are kept at the CMC office. The

institutional files and warrants of incarceration for the interviewed offenders were consulted and copies of computerised detailed, or profile reports, on the participants were printed and consulted.

Although the researcher confirmed the crime that the offenders committed by having access to their warrants, the researcher could not confirm their previous convictions and modus operandi because of the absence of SAP 69 (record of previous convictions) and SAP 62 (description of crime) in the files of all the participants. Two of the participants were not initially admitted at Losperfontein Correctional Centre. Either the correctional centre that initially admitted the offenders did not transfer the documents (SAP 62 and 69) with their institutional files, or the police stations where the charges were laid, did not send the documents to the DCS. Table 2 below depicts a brief overview of participant demographical information.

TABLE 2: DEMOGRAPHIC INFORMATION OF THE CASE STUDIES

CASE STUDY	NATIONALITY	CURRENT AGE	CRIME	PREVIOUS CONVICTIONS IN SA OR NATIVE COUNTRY	SENTENCE
A	Mozambican	38 years	Robbery and attempted murder	None	Life (25 years)
B	Mozambican	35 years	Robbery and sixteen counts of housebreaking and theft	None	30 years and 790 days
C	Mozambican	57 years	Rape	None	22 years
D	Zimbabwean	34 years	Theft and possession of stolen goods	None	16 years

E	Zimbabwean	31 years	Armed robbery	None	15 years
F	Zimbabwean	32 years	Armed Robbery	None	15 years

Analysis of Table 2:

Age: There were 6 offenders, ranging in age between 31 and 57 years. The majority of the participants were between the ages of 31 to 38 and constituted 83.33% of the sample. Only one participant was above the age of 50 years. The youngest were Zimbabweans ranging from the age of 31 to 34 years, whilst the oldest were Mozambicans ranging from the age of 35 to 57.

Crime and criminal history: All participants (100%) were first offenders in South Africa. When interviewed, they explained that they had never committed crimes in their native countries. This could not be confirmed. The majority of the participants (four) were convicted of aggressive crimes with robbery, the leading sub-category. Sexual crime (rape) and economic crime (theft) were the minority of crimes committed by the sample group.

Sentence: Participant sentences range from 15 years to life imprisonment (25 years' imprisonment). The majority of the participants (except for Mr C) were involved in group-related crimes. However, none of the participants was involved in cash-in-transit robberies.

4.7 DATA ANALYSIS AND INTERPRETATION

Data analysis is the process of bringing order, structure and meaning to the mass of collected data (De Vos *et al.*, 2011:397). Qualitative research methods involve a continuous interplay between data collection and theory (Babbie, 2013:390). Additionally, Neuman (2011:509-510) states that qualitative research analysis can eliminate or support the theoretical explanation, by showing that a wide array of evidence to negate or corroborate. Thus, criminological theories (see section 4.15) are employed to explain the criminal behaviour of the selected case studies. Verbatim participant quotes are used to corroborate their versions of their life experiences. The influences of childhood experience and family background on criminal behaviour is examined and outlined in criminological theories.

4.7.1 Validity and Reliability of Data

Ruel *et al.* (2016:79) assert that a major rule in conducting scientific research is to comply with the principle of validity and reliability. According to Martler (2015:209), although these primary principles of research are more prevalent in quantitative research, they also apply to qualitative research. These concepts (validity and reliability) are explained below.

4.7.1.1 Validity

For a data collection instrument to be regarded as valid, it must serve the purpose for which it was designed (Groth-Marnat & Wright, 2016:147; Ruane, 2016:117). A semi-structured interview schedule containing themes related to offender family background, academic history, work history and criminal history is used here as a data collection instrument. The semi-structured interview schedule used to gather information regarding the selected Mozambican and Zimbabwean foreign offenders proved to be valid as it yielded the results required. The semi-structured interview schedule managed to gather holistic information to explain causes, triggers, and motives and to identify criminogenic needs and risks. To substantiate and supplement the information collected through interviews, documents such as the warrant of detention and correctional files were analysed. Corroborating this, De Vos *et al.* (2011:386) and Loseke (2017:125) suggest that the information gained with the primary data collection tool (semi-structured interview) must also be substantiated by

analysing other relevant source documents (warrant of detention and correctional files).

4.7.1.2 Reliability

Kumar (2014:211) argues that if the same tool is used repeatedly with the same methodology and produces the same results, it is regarded as reliable. The semi-structured interview schedule yielded the same results during pilot-testing and during the main study. Other relevant principles of research are discussed below.

4.7.1.3 Credibility

Credibility entails that the research participants must be identifiable, and the research findings must be linked to reality in order to demonstrate the truthfulness of the research findings (Beaudry & Miller, 2016:52; De Vos *et al.*, 2014:420; Statistical solution, 2017:1). In this research, the participants are African, male, foreign offenders from Mozambique and Zimbabwe, incarcerated at the Losperfontein Correctional Centre, and the causes, motives and contributory factors of their criminal behaviour are explained using criminological theories. Ultimately, offender risks and needs are identified for rehabilitation purposes, and thus, the researcher fulfils the principle of credibility.

4.7.1.4 Transferability

Transferability refers to a process whereby the research findings can be generalised, or the research results being applicable to other similar populations, e.g. foreign offenders from other African countries (De Vos *et al.*, 2014:420). It is highlighted that the results of qualitative research cannot be generalised to other populations (Kumar, 2014:252). However, transferability of some parts of qualitative research results can be carried out, if data gathered for such research is augmented by data from other sources (documents) (De Vos *et al.*, 2014:420; Nastasi & Hitchcock, 2016:118). Although the needs and risks of foreign offenders from Mozambique and Zimbabwe might not be completely like those of other African foreign offenders, they all face similar challenges such as inadequate visitation and marginalisation. Thus, some parts of the findings from this research can be transferred to other research dealing with foreign national offenders incarcerated in South Africa.

4.7.1.5 Dependability

Dependability closely relates to validity as the researcher must ascertain that the research process is well documented and audited (De Vos *et al.*, 2014:420; Yin, 2016:106). In this research, the research proposal was well documented and well audited by the two separate research ethics committees from UNISA and the DCS to ensure that it complies with all ethical requirements.

4.7.1.6 Conformability

Conformability refers to the stage where the research findings are interrogated and confirmed by other researchers (Marshall & Rossman, 2016:109; Tappen, 2016:180). The promoter/supervisor for this research project is an expert in the criminological assessment and was involved in and ensured that the research meets the required standard. This research report will also be examined by other experts in the field of criminology. In the next subheadings, semi-structured interviews, as used in this research, are discussed.

4.8 THE ROLE OF CRIMINOLOGICAL THEORIES IN RESEARCH

Theories play a dominant role in explaining crime and deviant behaviour. Bachman and Schutt (2014:31) identify the following as the roles of criminological theories:

- To explain why some people are more prone to commit a crime while others are not, why some people quit committing crime and others continue, and what effect good families and harsh punishment might have on the level of crime.
- Criminological theories enable researchers to organise and make sense of empirical findings in criminological research and guide future research.
- Criminological theories assist in making predictions about crimes and assist in guiding public policy.

To sum up the significance of criminological theories, Anderson, and Dyson (as cited in Hesselink-Louw, 2004:216), and Henne and Troshynski (2013:456) postulate that scientific theories enable researchers and criminologists to assess, identify, analyse, describe, explain, and predict criminal behaviour. Hesselink-Louw (2004:216) and Helmond, Overbeek, Brugman and Gibbs (2015:247) intimate that crime is multi-

faceted and shaped by a range of factors that operate inside and outside of individuals with effects across various stages of their life cycle. Criminological theories assist researchers in linking theory and practice, to gain a better understanding of why people commit a crime and allow for prediction of likely future behaviour (Bao, Haas & Xie, 2015:10; Whited, Wagar, Mandracchia & Morgan, 2017:492). Therefore, it is pivotal to employ different theories to explain the causes, motives and contributory factors related to criminal behaviour by foreign offenders.

4.9 RESEARCH ETHICS

To reiterate, ethical clearance for this research project was granted by the DCS' Research Ethical Committee and the UNISA College of Law Research Ethical Committee (see Annexures A and B). When conducting research, a researcher must abide by certain ethical rules in order to protect participants (Thomas, 2016:78). The Belmont principles are essential in this regard and consist of respect for persons, beneficence, and justice, as explained below.

Respect for persons: This principle refers to respect for the rights and wishes (autonomy) of participants (De Poy, 2016:30). It means that participants must be informed of research procedures followed from the beginning of the project until the end. Participants must also be afforded the autonomy to withdraw participation if they so wish without suffering consequences. Sentenced offenders are regarded as a vulnerable group as they are institutionalised and often think that refusing to participate in research will jeopardise their chance of release (Board for Health Sciences Research of the University of Virginia, 2017:1; Maxwell, Day & Casey, 2013:60), which makes their supposed autonomy questionable. In this research, the participant rights were respected as the participants chose to participate voluntarily, and this principle was realised through informed consent (Hagan, 2014:44). The researcher also respected the decision of those who chose not to participate.

Beneficence: This principle implies that research must not harm participants but benefit and empower participants (Remler, 2015:456). As stated, this research has no potential for harm and instead will provide the DCS with a better understanding of the needs and risks of the sample-specific Mozambican and Zimbabwean foreign

offenders. Furthermore, this research may encourage debate on foreign offender transfer treaties and thus aid in expediting the ratification thereof. The signed offender transfer treaty will allow foreigners in South Africa to be transferred to their home countries to serve their sentences. South Africans sentenced abroad will also be brought home to serve their sentences in South Africa.

Justice: This implies that the researcher must consider a fair distribution of the benefits of the research and the selection of participants (Bachman & Schutt, 2017:35). No matter how important research may be, it must never benefit society at the expense of the participants. As alluded to, the participants will benefit from this research because inter alia the research brings to the fore Mozambican and the Zimbabwean foreign offender risks and criminogenic needs which may ultimately influence policy change pertaining to rehabilitation.

Apart from the Belmont Rules, the following ethical principles were adhered to during this research endeavour.

4.9.1 Avoidance of Harm

In any research project, harm to the participants must be avoided at all costs. Cowburn *et al.* (2016:25) state that if there is any harm identified, the participants should be informed beforehand about the potential impact of the study, so that they can withdraw if they so wish. No potential harm was identified during this research. The researcher informed the participants about the aim of the research (Schutt, 2015:73), which is to conduct a criminological assessment of foreign offenders (Mozambicans and Zimbabweans) to analyse their criminal behaviour (causes, contributory factors, and motives) and subsequently identify unique needs and risks for rehabilitation purposes. The researcher's experience working in a correctional centre resulted in professional interviews with the participants, and the researcher could identify the needs of offenders and refer them to relevant professionals for assistance in offender-specific rehabilitation efforts.

4.9.2 Informed Consent

Participants must be competent (legally and psychologically) to give consent, and they must be aware that they can withdraw from the research at any time (Israel, 2015:9). Corroborating this, Kumar (2014:244) cites that participants must never be forced to

participate in any research project. Emphasising the principle of informed consent, Ritchie *et al.* (2014:87) stress that participants should never be coerced to take part in a study; participation should be free, voluntary, and fully informed. The foreign offenders who initially agreed to participate but later withdrew from the research study were entitled to do so under this principle.

Upon the approval of the research, the researcher consulted with the participants and informed them about the study and requested their participation. The participants were also informed that it is their right to choose to participate or not, and that they could withdraw at any stage without consequence (Schutt, 2015:76), and that the researcher would respect their decision to do so.

Written informed consent is a necessity and not a luxury or an impediment (Ruane, 2016:46), thus, letters of informed consent (see Annexure C) were provided to and explained to participants to ensure that they understand what the research entailed; and that they voluntarily signed the letters. The informed consent was written in both English and Setswana to accommodate participants who did not understand English.

4.9.3 Conflict of Interest

A conflict of interest is defined by Elliott *et al.* (2015:154) as compromised impartiality of the researcher due to a clash between research and professional interest. To guard against conflict of interest, Loue (2015:03) posits that if a professional (social worker, psychologist, or a criminologist) conducts research with the same clients as participants, that intensive supervision is required to ensure that information gathered through professional interactions (assessment and individual therapy) does not automatically translate into research findings.

As stated, in Chapter 1, the participants were unknown to the researcher and were not former clients of the researcher during his working years at the correctional centre. Thus, there was no conflict of interest identified.

4.9.4 Violation of Confidentiality

The identity of the participants must be protected at all times, and the research data must be released in such a way that it cannot be linked to any participant (Kumar, 2014:285; Neuman, 2014:78). The researcher must ensure participant confidentiality and that their identity is withheld at all times (Weller as cited in Tolich, 2016:97). During

this research, the true names of the foreign offenders and those of their family members were changed so that they cannot be identified and not being known. Although the verbatim quotes from foreign offender are used to support the analysis, no response can be linked to the specific name of a specific foreign offender. Therefore the anonymity of the participants was upheld.

4.9.5 Deception of Participants

It is unethical to withhold or offer incorrect information to entice participants to partake in research when they would otherwise have possibly refused (Cowburn *et al.*, 2016:24). As mentioned in Chapter 1, the foreign offenders were informed about the research and what it entailed (Picardi & Masick, 2014:34), and therefore, were not deceived. The goal aim and research questions were explained to the participants, and their participation was voluntarily (Schutt, 2015:81). The researcher further explained that there would be no direct benefit (e.g. credit earned for participating or consideration for parole) for participating in this research project. All the information regarding the research was provided to all participants, and none were deceived.

4.10 STORAGE AND SAFE-KEEPING OF DATA

As alluded to in Chapter 1, all information gathered through interviews and through document analysis (correctional case files and warrant of incarceration) was treated as confidential and stored in a lockable cabinet in the researcher's office which only the researcher had access to. Upon approval of the dissertation by the examiners, the documentary data will be shredded, and the audio recording deleted.

4.11 PUBLICATION OF RESULTS

The research results will be published in the form of a dissertation and submitted to UNISA for degree purposes. A copy of the dissertation will also be submitted to the National Head Office of the Department of Correctional Service because they granted approval for the research. To allow participants access to the research results, a copy of a dissertation will be given to the library at the Losperfontein Correctional Centre. Journal articles might also be published from the data, but only after the DCS grants approval for such publication.

4.12 CRIMINOLOGICAL THEORIES

Only criminological theories used to explain criminal behaviours involved in the analysed case studies here, and more attention is devoted to integrated theories. Limited verbatim quotations, sourced from the case studies, are used to intertwine with criminological theories. However, a full analysis of case-specific criminal behaviour supported, by criminological theories is provided in Chapter Five.

4.12.1 Control Theory

Control theories are progenies of the classical school which holds that criminals are rational beings with free will to make their own choices, and individuals can only be dissuaded from committing crimes by certain control mechanisms (certain, severe, and swift punishment) (Siegel, 2016:96). Concurring with this statement, Bernard, Snipes and Gerould (2010:203) emphasise that control theories assume that all people naturally would commit a crime if left to their own devices unless certain restraining forces prevent them from committing a crime. Sharing the same sentiments, Newburn (2016:228) postulates that crime is a normal phenomenon and should be expected in the absence of control because human conduct is driven by wants (luxury cars and jewellery) and needs (food, clothing and shelter). In the following section, Travis Hirschi's Social Bond Theory as part of control theory, will be discussed.

4.12.1.1 Travis Hirschi's Social Bond

Through his work and collaboration with Michael Gottfredson, Travis Hirschi (1969) became the most famous control theorist. All earlier control theories are superseded by Hirschi's Social Bond theory, and he remains a foremost control theorist today (Intravia, Jones & Piquero, 2012:1183; Reid, 2012:164). According to Hirschi, the control theory assumes that crime is committed when the individual's bond to society is weakened or broken (Newburn, 2016:231).

The premise of Hirschi's social control is that all individuals are potential law violators, but they are dissuaded, or kept under control because they fear that illegal/criminal behaviour will be detrimental to their integrity and destroy their relationships with significant others (family members, friends, and colleagues) (Siegel, 2013:246). This theory has a rational choice element (a tenet of classical school) because it postulates that some individuals who have good standing and bonds with society will choose not

to commit a crime, as they fear the loss of respect from disappointing a society which holds them in high regard (Siegel, 2016:96). A rational component to conformity in Hirschi's theory is termed 'commitment' (Cullen & Agnew, 2011:279; Newburn, 2016:228). According to Siegel (2016:237), Hirschi argues that the social bond an individual maintains with society, is divided into four main elements:

1. **Attachment:** This element refers to the individual's effective involvement with conventional others (e.g. parents, teachers, colleagues, and friends) including sensitivity to thoughts, feelings, and desires (Barlow & Kauzlarich, 2010:88). When the attachment is broken or weakened, crime or delinquency may result (Schmallanger, 2014:107). Most foreign nationals do not have relatives and significant others in South Africa and lack attachment to South African society. Exacerbated by the ill-treatment they endure from some South African locals, and derogatory terms ('Makwerekwere' a derogatory term that means a foreigner/outsider), some foreigners might not have an attachment to South African citizens (Mantsinhe, 2016:92). A Mozambican foreign national was quoted by King (2013:1) articulating the humiliation that foreigners often endure from South African citizens. He remarked: *"Foreigners have to stick together because people here (South Africans) are bad to foreigners. They can swear at you and call you a makwerekwere and say you must go home"* (King, 2013:1).
2. **Commitment:** This element refers to the time and energy invested in conventional activities such as attaining education or working hard and investing money for future purposes (Akers, 2017:55; Siegel, 2009:211). This second element is based on the belief that a human being is rational and will first consider what he stands to lose if he were to act irresponsibly and commit a crime. Thus, this cost-benefit weighing exercise will deter a person from committing a crime as such a person would not want to lose his reputation and respect in society (Tibbetts & Hemmens, 2015:307). Most foreign offenders included in this research are illegal immigrants who are uneducated and did not hold formal employment prior to their conviction and incarceration. Thus, it can be argued that illegal foreign offenders' commitment to the society that hosts them, might be tenuous because even if they are convicted and sentenced to imprisonment, they do not have much to lose compared to South African citizens. This means that the conviction and incarceration of illegal foreigners will

not necessarily dissuade them from committing further crimes because are used to living without family support, and their conviction in South Africa has no effect in their status in their countries of origin. Like South African offenders, foreign offenders can be granted parole, but they are deported upon being granted parole. Should they illegally return to South Africa, they cannot be monitored because they were initially deported. Supporting the argument that foreign offenders do not attain a criminal record in their countries of origin for the crime they committed in South Africa, one of the Zimbabwean foreign offenders stated the following: *“When you get to the Zimbabwean side after being deported, they (Zimbabwean police) don’t arrest you because you didn’t commit crime in that country”* (Mataboge, 2013:7). Perhaps, if these foreign offenders were legal immigrants, and educated, they would have been employed in the formal working sector (universities and different companies) in South Africa and avoided committing crime because they would have had much to lose if convicted (Boer, 2016:320; Breetzke, 2010:2).

3. **Involvement:** Being involved in conventional activities does not afford one with enough opportunity to engage in criminal activities (Reid, 2012:165; Siegel, 2016:211). A foreign university student involved with a community institution such as a church has little time to commit a crime. One would presume that academic demands placed on him during the week, such as attending lectures, completing assignments, studying for semester tests and exams, and attending community meetings on weekends, would leave little time to plan and execute the crime. Supporting this, Hirschi posits that if time and energy are limited, and if a person is busy with legitimate pursuits, he has little opportunity for criminal involvement (Schmallegger, 2014:108).
4. **Belief:** According to Reid (2012:165), with belief, Hirschi means that a person accepts society’s conventional norms and rules and believes that those rules must be obeyed. Nevertheless, individuals differ in the extent to which they believe in the validity of social rules, and the weaker the belief, the more likely that social rules will be violated (Barlow & Kauzlarich, 2010:89; Siegel, 2016:181; Walsh & Hemmens, 2014:192). In this research project, one of the Zimbabwean participants (Mr F) mentioned that upon his arrival in South Africa, he was employed at a restaurant, and he had respect for the rule of law. As his

commitment to his work declined, his belief in living a legitimate life also deteriorated, and he then began participating in criminal activities.

4.12.2 Evaluation of Travis Hirschi's Social Bond/ Social Control Theory

Hirschi's theory is often lauded for providing an explanation for delinquency amongst individuals (Siegel, 2016:212). Siegel (2016:212) opines that a delinquent individual often feels detached from society, their relationships within the family and peer group often appear strained, and this depicts a weakened social bond. Although Hirschi's theory is praised for explaining delinquency, it has shortcomings. Barlow and Kauzlarich (2010:89) articulate that Hirschi's argument that the more individuals are involved in conventional and legitimate activities, the less the opportunity they have to engage in deviant behaviour, is the weakest part of this theory. This theory is inadequate when explaining crime committed by people in positions of economic and political power because such people have strong social bonds to conventional society, but also have considerable involvement in illegal activities (Barlow & Kauzlarich, 2010:89; Tibbetts & Hemmens 2015:307). Despite the criticism, the Social Bond Theory has made a major contribution to criminology, the mere fact that it has been tested, validated, and replicated over half a century by academics, portrays its importance (Adler, Mueller, & Lauffer, 2013:167).

4.12.3 Social Process/Learning Theory

The central tenet of the learning theory is that all behaviours, including criminal and deviant behaviour, are learned. Williams and McShane (2014:272) posit that if the opportunity to commit crime arose, an individual might not recognise it unless they have learned certain behaviour connected to taking advantage of illegitimate opportunities. In this section, Edwin Sutherland's Differential Association theory, and David Matza and Gresham Sykes' Drift/Neutralisation theory are discussed.

4.12.3.1 Differential Association Theory

Although the Differential Association theory is often associated with the work of Edwin Sutherland (1939), the theory was refined through the work of Shaw and McKay (1931) who initiated the idea of cultural transmission (Inderbitzin, Bate & Gainey, 2015:98). According to Newburn (2013:193), Shaw and McKay argued that values, including delinquent values, are transmitted from one generation to the next. For instance, boys

are socialised to be men, providers, and protectors of their families, while girls are socialised to be primary caregivers and to nurture children.

The premise of the Differential Association theory is that criminal behaviour, like any other form of behaviour, is learned through interaction and association with others (Hanser, 2013:227; Petherick, 2014: 283). Further associating with others, is a mechanism to learn ways and means for committing a crime (Chesney-Lind & Shelden, 2014:124). It can be argued that this theory reinforces a well-known saying that 'birds of the same plumage flock together' (Walsh & Hemmens, 2014:186). Alluding to this, Siegel (2013:239) holds that the Differential Association theory assumes that individuals learn about crime, and commit criminal acts, by way of associating with like-minded criminals and thus further their criminal behaviour in a group. According to Schmallegger (2014:105), the Differential Association theory is based on the following nine principles:

1. Criminal behaviour is learned.
2. Criminal behaviour is learned during interaction with others through a process of communication. For instance, as Mr F (see chapter 5, page 262) started to communicate and interact with criminals while transporting them to crime scenes or possible targets, he learned ways of committing a crime.
3. The principal process of learning criminal behaviour occurs within an intimate personal group. According to Adler *et al.* (2013:130), associating with family members and friends who are criminals, has a negative effect on individual behaviour. As Mr F was hired to transport criminals to target businesses, he fostered a relationship with those criminals and through the interaction, learned how to commit a crime.
4. When criminal behaviour is learned, the learning includes (a) techniques of committing a crime, which is sometimes complicated and (b) sometimes remarkably simple accompanied by the specific direction of motives, drives, rationalisations and attitudes. Mr F learned that to be successful in business robbery one needs to study the target for some time to identify security gaps and to establish a possible escape route, without being arrested.
5. The specific direction of motives and drives is learned from the definitions of the legal codes as favourable or unfavourable. According to Mr F, the motivating factors for his crime was a low and inadequate salary from a restaurant and his

status as an illegal immigrant which jeopardised his chance of securing better-paying employment.

6. A person becomes delinquent because of an excess of definitions favourable to legal violation over definitions unfavourable to the legal violation. This means that if the rule of law is eroded in society or within a group, an individual raised in that society will also easily disregard the law (Inderbitzin *et al.*, 2015:104). Mr F associated with a group that committed crimes and promoted criminal behaviour because they perceived it as a lucrative way of earning a living rather than securing a legitimate job.
7. Differential associations may vary in frequency, duration, priority, and intensity. Although Mr F was associating with criminals, he took some time to learn how to commit a crime as he was working in a restaurant, and this protracted the duration of learning criminal behaviour. After Mr F resigned from the restaurant, he quickly learned how to identify suitable targets and attack them because he was then involved in criminal activities on a full-time basis. Thus, this supports an argument that the more time spent with criminal friends, the more quickly and intensely, a person learns criminal behaviour (Walters, 2016c:46; Williams, 2012:276).
8. The process of learning criminal behaviour by associating with criminals and anti-criminal patterns involves all the mechanisms involved in any other learning. This means that like learning legitimate skills such as bricklaying which takes time and practice, committing a crime also takes time and practice (Cox, Allen, Hanser & Conrad, 2014:104; Tibbetts & Hemmens, 2015:298). For Mr F to adequately learn the modus operandi for committing robbery, he had to spend more time with his criminal friends.
9. Although criminal behaviour is an expression of general needs and values, it is not explained by general needs and values because noncriminal behaviour is an expression of the same needs and values (Walsh & Hemmens, 2014:186). Essentially, needs (having shelter and food) cannot be used as a reason or cause for crime because the same needs can also be fulfilled by being legitimately employed (Adler *et al.*, 2013:130). Mr F initially provided for his family by legitimately working and later resorted to crime. Thus, Mr F cannot use his family's needs as a reason for his criminal behaviour.

4.12.3.2 Evaluation of the Differential Association Theory

The Differential Association theory received considerable attention and scrutiny during the mid-twentieth century because it combined the then prevalent psychological and sociological principles to explain criminal behaviour (Schmallegger, 2014:12). Nevertheless, this theory is criticised for its failure to explain the origin of criminal behaviour. An example of a flaw in the Differential Association theory is its failure to explain crimes committed without being learned from others. For instance, Mr C was convicted of statutory rape but never associated with criminal peers before. Thus his criminal behaviour was not learned through associating with other sexual offenders. Corroborating this, Williams (2012:277) quotes that if criminal behaviour does not already exist in human beings, it cannot be learned through association.

Furthermore, this theory fails to explain the criminal behaviour of people who have never been subjected to or involved with delinquent peers or criminal family members (Reid, 2012:160; Williams & McShane, 2014:277). Some criminals come from affluent families that are law-abiding citizens, but they choose to lead criminal lives. The Differential Association limitation is acknowledged by Donald Cressey (Sutherland's co-author) who admitted that at a broader level, it is not possible to test the Differential Association theory (Bernard *et al.*, 2010:183). Other opponents of the Differential Association theory highlight that it does not recognise individual free will to commit a crime (Adler *et al.*, 2013:130).

Despite the Differential Association theory being criticised for some of its shortcomings, Siegel (2013:239) suggests that the theory still maintains an important place in the study of criminal behaviour because it provides a consistent explanation of all types of criminal behaviour, not limited to an explanation for a single facet of anti-social activity such as lower class gang activity. Extensive research that explains the relationship between peer association and delinquency is often premised on the Differential Association theory (Reid, 2012:160).

Moreover, it can be argued that some of the principles of the Differential Association theory have an influence on correction policies (Hanser, 2013:227). Most departments of corrections worldwide believe in the rehabilitation of offenders, which implies that offenders can be taught noncriminal behaviour (Beaver, Barnes & Boutwell, 2015:430). For example, psychologists and social workers are employed at the DCS to aid in

remodelling criminal behaviour through therapy and behaviour modification programmes (DCS, 2017:1). Therefore, these actions support the Differential Association theory's notion that behaviour is learned (Hanser, 2013:227; Petherick, 2014:283). In summary, the Differential Association theory suggests that if criminal behaviour is learned, lawful behaviour can be taught to the offender. The only distinction is that the Differential Association theory underscores that criminal behaviour is learned (Adler *et al.*, 2013:130) whereas proponents of offender rehabilitation accentuate that if offenders can learn criminal behaviour, they can then be taught noncriminal behaviour (Craig *et al.*, 2013:117).

4.12.3.3 Neutralisation and Drift Theory

The Neutralisation theory is a product of research by Gresham Sykes and David Matza (Newburn, 2013:236). Sykes and Matza (1957) viewed the process of becoming a criminal as a learning experience during which criminals master techniques that allow them to neutralise conventional values (i.e. obtaining education and securing a job or being self-employed), and drift back and forth between illegitimate and conventional behaviour (Barlow & Kauzlarich, 2010:85; Siegel, 2013:241; Siegel, 2016:233). According to Siegel (2016:233), Sykes and Matza postulate that people develop a distinct set of justifications/techniques for neutralising their unlawful behaviour. The following are the five neutralisation techniques proposed by Sykes and Matza (Newburn, 2013:236):

1. **Denial of responsibility:** Sometimes, offenders deny responsibility for their criminal actions, and oftentimes poverty and lack of opportunity are used as justification (Schmallegger, 2014:94). For example, Mr D (see Chapter 5) claims that due to unemployment and poverty, he bought stolen goods from criminals and sold them at a higher price. This clearly shows that Mr D denies responsibility for his crime but justifies it accordingly.
2. **Denial of injury:** To neutralise their feelings of guilt and responsibility, some offenders deny that anyone was injured and that the stolen goods were insured (Tibbetts & Hemmens, 2015:306).
3. **Denial of the victim:** For example, Mr D denies his victims and mentioned that he never came into contact with the victims; his duty was only to buy stolen goods and to resell them at a higher price.

4. **Condemnation of condemner:** Offenders sometimes assert that people in authority (e.g. police officers and judges) are hypocrites (corrupt) and deviants in disguise (Siegel 2016:234). According to Schmalleger (2014:94), offenders often console themselves and neutralise their feelings of guilt by blaming society for their criminal behaviour. Mr D, for example, claimed that by not having a decent paying job, he was forced to commit a crime.
5. **Appeal to the highest authority:** According to Hagan (2014:171), oftentimes offenders argue that their loyalty is to the group (gangs, friends, and families) they belong to and that their group's needs precede societal demands. For instance, Mr D claims that he infringed societal values and committed a crime to provide for his family.

4.12.3.4 Evaluation of Neutralisation and Drift Theory

The Neutralisation theory has received enormous support from researches regarding state crime and corporate crime (Barlow & Kauzlarich, 2010:86; Siegel, 2016:235). The Neutralisation theory assists in explaining the economic crimes of business owners who avoid paying tax on the justification that the government has adequate money to provide for the needs of citizens (Siegel, 2016:235). The theory is also used to explain occasional crimes committed by adults who drift back and forth between conventional values and deviant behaviour but ultimately out-grow their recalcitrant behaviour (Walsh & Hemmens 2014:119).

Nevertheless, the Neutralisation theory is criticised for portraying an adult criminal as a free-floating individual who is buffeted by diverse influences (Shoemaker, 2005:158; Tibbetts & Hemmens, 2015:306). Another criticism of the Neutralisation theory is the fact that it does not explain the genesis of the anti-social behaviour that the criminal is attempting to neutralise. Neutralisation techniques are not viewed as causes of anti-social behaviour; rather, they are a set of justifications that loosen moral constraints which then enables offenders to drift in and out of anti-social behaviour (Walsh & Hemmens, 2014:201).

4.12.4 Integrated Criminological Theories

Criminal behaviour is a complex issue and cannot be adequately explained by one specific criminological theory (Krohn & Eassey, 2014:1). Therefore, the limitation of traditional theories to explain crime resulted in the development of integrated

criminological theories (Reid, 2012:175). The idea of integrated theories is that if a crime is to be better understood, it is necessary to utilise a multi-disciplinary approach by integrating various theories into one specific model (Akers & Sellers, 2013:280; Cox *et al.*, 2014:112). This research relied predominantly on integrated theories to explain the criminal behaviour of foreign offenders. Thus, below is a discussion of relevant integrated theories to explain criminal behaviour related to the case studies presented in this research.

4.12.4.1 Tittle's Control Balance Theory

Charles Tittle (1995) combined elements of various theories such as social control, differential association, and routine activity to explain various conventional and white-collar crimes (Fox, Nobles & Lane, 2016:926; Newburn, 2016:244). According to Cox *et al.* (2014:108), Tittle regards people as either having little control (thus a control deficit) or surplus control (an excess of control).

A fundamental hypothesis of Tittle's Control Balance theory is that deviant behaviour is a by-product of an imbalance between control deficit and control surplus (Schmallegger, 2014:109). According to Schmallegger (2014:109), the imbalance also referred to as control ratio, predicts not only the probability that one will engage in deviant behaviour but also the specific crime/deviance that will be committed. A practical example to illustrate Tittle's Control Balance theory is Mr C's case study (see Chapter 5). Mr C was married to two wives, and he enjoyed conjugal rights in both matrimonyes. He was a breadwinner and a male patriarch. Mr C occupied a leadership position at the church and was held in high esteem by the church congregation. Thus, he had control surplus. Despite him having excess power (being in a position of authority), he betrayed the trust the community afforded him and sexually abused his victim. Mr C's victim was a minor and depended on Mr C and his wife financially (thus the victim was exposed to a control deficit).

Reid (2012:181) states that people who are controlled by others (those with a control deficit) tend to engage in deviant behaviour to escape being controlled, while those who exercise control (those with a control surplus) over others tend to engage in deviance to extend that control. Due to Mr C's sense of entitlement emanating from polygamous marriages, deviant sexual arousal patterns, and sexual desire for different women, he raped the victim to extend his control surplus (being intimate with several women of

different ages). According to Newburn (2013:11), for deviance to occur, several causal elements must be present, namely:

- A predisposition towards being motivated for deviance. In this case, Mr C had a sense of entitlement and deviant sexual arousal patterns, and these motivated him to groom and later rape his victim.
- A situational motivation that reminds a person of the control imbalance and the person is aware of the control imbalance and experiences negative emotion. Regarding this element, Mr C was aware that he was a breadwinner and a leader in the church and that he was well respected. Therefore, according to him, the victim would not easily disclose the rape as she knew that most people would not believe her.
- The person must recognise the possibility that deviance will affect this control balance. Alluding to this, Schmallegger (2014:110) states that deviance occurs when a person realises that the act of deviance will reset a control ratio in a favourable way. Mr C realised that with his wife not being home during the day, he could groom the victim and rape her. During the nights, he still enjoyed conjugal rights and was intimate with his wife.
- Opportunity for deviance response and the absence of restraints. Mr C admitted that oftentimes he was alone at home with the victim, and this afforded him an opportunity to lure the victim, buy her silence and rape her. Providing an example for this element, Cullen, and Agnew (2011:570) and Fox *et al.* (2016:962) posit that no matter how strongly motivated people are to commit a crime, they cannot do so unless the opportunity is conducive thereto.

4.12.4.2 Evaluation of Tittle's Control Balance Theory

Bernard *et al.* (2010:335) and Fox *et al.* (2016:926) propose that Tittle's Control Balance is too novel to have been subjected to criticism or testing. The results of empirical tests conducted on the theory yielded mixed results, with both control surplus and control deficit predicting the same type of deviance (Schram & Tibbetts, 2014:245).

Bernard *et al.* (2010:335) lauded Tittle's theory for its explanation of crime committed by both wealthy and poor people in society. Corroborating this, Newburn (2013:240)

avers that crime 'in the suite' (white collar crime) can be explained by control surplus and that street crime can be explained by control deficit.

4.12.5 Braithwaite's Theory of Reintegrative Shaming

Braithwaite's (1989) theory incorporates elements of major criminological theories, including (Barlow & Kauzlarich, 2010:144; Miles, 2014:185):

- Control theory (people are naturally inclined to commit a crime but can be dissuaded by the kind of relationships they have with significant others);
- Labelling theory (people identify with and behave in a way that others call or label them. Thus, stigmatising offenders as criminals might result in reoffending);
- Differential Association theory and Social Learning theory (criminal behaviour is learned through associating with criminals and emulating their behaviour);
- Strain theory (society exerts pressure on individuals to achieve socially accepted goals such as education and opulence though they lack the means to attain such, this leads to strain which may lead the individuals to commit a crime).

The premise of Braithwaite's theory is that crime and recidivism are influenced by the way society shames perpetrators (Siegel, 2016:278). Shaming refers to disapproval with the intention or effect of invoking contrition in the person shamed. It gives a person a chance to see the damage their behaviour has caused, which is named Reintegrative Shaming or condemnation and stigmatisation. Family members and society who are aware of the shame-labelling further condemn the person and this is referred to as Disintegrative Shaming (Siegel, 2013:286).

According to Reid (2012:172), disintegrative shaming can propel the offender into committing more crime or joining a criminal gang. Being rejected and not being visited by family members and friends may lead to offenders joining gangs and likeminded criminals to gain support and to re-offend (Betar, 2012:1; Cochran, 2013:4; Siegel, 2016:278). For instance, Mr B, who was sentenced to thirty years imprisonment, received little support from his family and was rejected by his girlfriend. He is thus likely to find solace in prison gangs and might offend while incarcerated.

On the other hand, integrative shaming breaks the offenders' attachment to a criminal subculture and affords them the opportunity to be reintegrated in a culture of

lawfulness/conformity (McLaughlin & Munice, 2013:415). This means that although society should despise criminal behaviour, it should accept offenders as citizens who require a second chance to correct their criminal behaviour, particularly after they have served their incarceration period. Reintegrative Shaming can also deter potential offenders as they might avoid being shamed after witnessing an incident of shaming (Cullen & Agnew, 2011:279; Miles & Raynor, 2014:185). For instance, Mr C was sentenced for raping a minor. Prior to his crime, he was a well-respected church leader, and the community and church congregation held him in high regard. When Mr C confessed and admitted guilt in court, the family, the church members, and the community at large were disappointed and disapproved of what he did. Nonetheless, some members of the church are currently supporting and visiting him. Thus, the disapproval of Mr C's criminal behaviour by the community and his church members, and the support they still offer him during incarceration can be referred to as Reintegrative Shaming. Consequently, this might dissuade Mr C from committing further crimes. Furthermore, a shaming ceremony (restorative justice and family mediation) associated with forgiveness and repentance, can potentially build commitment to the law rather than being a shaming ceremony alone (Cullen & Agnew, 2011:279; Miles & Raynor, 2014:185).

4.12.6 Evaluation of Braithwaite's Theory of Reintegrative Shaming

Although Braithwaite's theory is applauded for explaining diverse types of crimes involving two individuals (a victim and a perpetrator), it is often criticised for not being able to explain victimless crimes, such as prostitution (Bernard *et al.*, 2010:331). Furthermore, Bernard *et al.* (2010:331) cite that Braithwaite's theory is very recent and has not been subjected to much empirical testing. Despite this criticism, Braithwaite is lauded for not only portraying how old competing criminological theories can be integrated into one model but also for his innovative thinking by adding a social psychological variable (shaming) into his theory (Barlow & Kauzlarich, 2010:146). Additionally, Braithwaite's theory laid the foundation for restorative justice policies practised in modern criminal justice systems (Reid, 2012:172; Siegel, 2016:278).

The Reintegrative Shaming theory is currently evident in the correctional practice of the DCS. According to the DCS (2013:1), in November 2012, a Victim Offender Dialogue (VOD) programme was introduced in the DCS to strengthen the rehabilitation and

reintegration of offenders. The VOD is a voluntary process that affords the victim and the offender the opportunity to talk about the effects of the crime, and this process may lead to reparation, healing and understanding of the physical and emotional harm caused by the offence (DCS, 2013:1). This programme is premised on the principle of restorative justice embodied in the DCS's White Paper on Corrections which requires the DCS to encourage restoration between victims, offenders, and communities (DCS, 2013:1).

4.12.7 Elliott's Integrated Theory

Delbert Elliott, Suzzane Ageton and Rachelle Cantor (1979) combined elements of strain (pressure exerted by society on individuals to achieve socially accepted goals such as education and wealth though they lack the means which leads to strain which may lead individuals to commit crime), control (all people are naturally susceptible to commit crime if left to their own devices unless there are certain restraining forces), and social learning theory (positive motivation from a deviant peer group can be used to explain criminal behaviour), to explain delinquency and drug use (Bernard *et al.*, 2010:327-328). Elliott and his colleagues suggest that limited or blocked opportunities such as poverty, inequality and unemployment, that hinder an individual's ability to afford education and material goods, and a subsequent failure to achieve cultural goals (status, wealth, power and social acceptance) would weaken or even destroy bonds to conventional or social order (Adler *et al.*, 2010:179). Elliott *et al.* (2015) postulate that the experience of living in a socially disorganised environment may result in weakened bonds with conventional groups, activities, and social norms. Thus, an elevated level of strain and deteriorated bonds with conventional groups may lead the individuals to seek delinquent peers to associate with (; Bao *et al.*, 2015:2 Hesselink-Louw, 2004:338). Through association with delinquent peers, anti-social behaviour is reinforced, and the delinquent peers act as mentors and role models. As strain weakens social bonds with conventional peers, and association with delinquent peers intensifies, and the probability of delinquent behaviour occurring is high (Adler *et al.*, 2010:179; Bernard *et al.*, 2010: 328; Hesselink-Louw, 2004:338).

4.12.7.1 Evaluation of Elliott's Integrated Theory

Although Elliott and his colleagues believed that combining elements of some of the criminological theories would provide a better explanation for criminal behaviour,

Hirschi holds an opposing idea and criticises the integration of theories. Hirschi argued that most criminological theories are contradictory because their assumptions are incompatible. Thus, theories must be tested on their own to establish their explanatory power (Bernard *et al.*, 2010:330). In response to Hirschi's criticism of integrating theories, Elliott argued that the competition between theories – and theorists - is pointless because different theories are intended to explain various aspects of criminal behaviour and crime.

Like many other integrated theories, Elliott's theory has not been subjected to extensive empirical tests. Summing up the shortcoming of integrated theories, Hagan (2013:199) and Menard and Johnson (2015:100) suggest, that due to a lack of empirical evidence, not all integrated and developmental theories have been subjected to criticism and more is needed to test their validity.

4.12.8 Gottfredson and Hirschi's General Theory of Crime

In 1990, Gottfredson and Hirschi collaborated and introduced a theory that uses deficiency of self-control to explain all types of crime and titled it a General theory of crime. The premise of General theory of crime is that criminal behaviour is a by-product of an individual's lack of self-control (Wright, Tibbetts & Daigle, 2015:8). It postulates that self-control develops at an early age (eight years) and requires parental supervision and encouragement to ensure that self-control is nurtured (Siegmunt, 2016:7). The presence of parents in their children's early lives is paramount to monitor good behaviour and reward it, as well as punish recalcitrant behaviour (Vazsonyi & Jikrova, 2018:60). If an individual outgrows the age of eight years without a good foundation of self-control, the likelihood of him being involved in criminal behaviour as an adult is high. Individuals who suffer from self-control deficit lack empathy for others have pro-criminal attitudes, lack morals and values; are risk takers, like immediate gratification and are susceptible to a criminal association and willing to engage in crime (Siegel, 2016:305).

4.12.9 Evaluation of Gottfredson and Hirschi's General Theory of Crime

Vazsonyi, Mikuška, and Kelly (2017:48) opine that Gottfredson and Hirschi's General Theory of Crime is the most researched and influential theory to explain criminal behaviour, not only in the discipline of criminology but in all human science disciplines. Most research conducted to confirm the General Theory of Crime concluded that low

self-control contributes to criminal behaviour. A fundamental tenet of the General Theory of Crime, is that self-control develops during the first decade (between the age of eight to ten years) of an individual's development, which was corroborated by several studies conducted in 2006 by Hay and Forest (2006), followed by more research by Higgins, Tennings, Tewksbury and Gibson (2009) and Coyne and Wright (2014) (as cited in Vazsonyi and Jiskrova, 2018:60). Marmayek, Paternoster and Loughran (2017:898) corroborate the argument that individuals with low self-control are characterised by lack of empathy and disregard for others, impulsivity, and an inability to delay gratification and that these make them susceptible to commit a crime.

Although Gottfredson and Hirschi's General Theory of Crime received much support, it also had its fair share of criticism. Several studies, such as Akers (1991) and Akers and Seller (2004), criticise the General Theory of Crime and argue that it fails to operationalise and explain how self-control differs from criminal behaviour (as cited in Vazsonyi *et al.*, 2017:49).

4.12.10 Robert Sampson and John Laub's Age-Graded Theory

The Aged Graded theory was influenced and emanated from the analysis of old data collected by Shelton and Eleanor Glueck five decades ago (1940-1948) (Siegel, 2016:296). Sampson and Laub spent several years (1987-1993) reconstructing and analysing the data, and later formulated a theory that attempts to explain criminal behaviour from childhood to adulthood and coined it the Age-Graded theory. According to Wright *et al.* (2015:200), the Age-Graded theory incorporates the central premise of the social control theory into the life course perspective by arguing that informal social controls, such as school, employment, and marriage, may influence an individual to desist from committing a crime. The following are the tenets of the Age-Graded theory (Walsh & Hemmens, 2014:345):

- Individual traits and childhood experiences are important to understand the onset of delinquency and criminal behaviour.
- Positive experiences in young adulthood and beyond (being employed and getting married) may dissuade offenders from crime.
- Repeated negative experiences create a condition called cumulative disadvantage. This simply means that repetitive offending jeopardises one's employability, and this might result in one turning to crime as a career.

- A vital feature that aids people from engaging in crime is free will. For example, a former criminal may decide that crime does not pay and transform into a law-abiding citizen.

4.12.11 Evaluation of Robert Sampson and John Laub's Age-Graded Theory

Sampson and Laub are lauded for providing a theory that strives to explain individual traits from childhood to adulthood. Supporting this, Siegel (2016:297) states that Sampson and Laub's major contribution is that they provided a theory that acknowledges that criminality is dynamic, and they also identified social structures or life events (attaining education, employment, and marriage) that dissuade adult offenders from crime. Corroborating this, Zoutewelle-Terovan, Van der Geest, Bijleveld and Liefbroer (2014:345) posit that marriage assists offenders to desist from crime. Sharing the same sentiment, Andersen, Andersen and Skov (2015:496) postulate that a marriage with strong bonds between spouses, leaves little opportunity for associating with criminal friends and thus reduces recidivism.

Although Sampson and Laub are praised for providing a theory that strives to explain criminal behaviour from childhood to adulthood, its applicability in the current era is still questioned especially because the theory was developed on data collected five decades ago (Siegel, 2016:301). According to Siegel (2016:301), during the period that the Gluecks collected data, there were lesser divorce rates; the lesser influence of violent movies and no decline in the employment rate. Despite this criticism, the Age-Graded theory is applauded as it explains why some delinquent people desist from crime as they age, whilst others persist in their criminal path (Wright *et al.*, 2015:8). To date, Sampson and Laub's Age Graded theory is still considered influential because significant changes in life or social control factors such as family (marriage), school and employment (attachment and commitment to school or work), are regarded as some of the factors that lessen criminality (Andersen *et al.*, 2015:496; Bäckman, 2017:720; Rocque, Jennings, Piquero, Ozkan & Ferrington 2017:594).

4.13 CONCLUSION

Foreign offenders are regarded as more dangerous and susceptible to commit a crime while the DCS's White Paper on Corrections understates the importance of their

rehabilitation. The marginalisation of foreign offenders continues because government policies and the South African community devalue this population's ability to reform to law-abiding persons. Despite foreign offenders being acknowledged and classified as a special category, there is no specific policy in the DCS dedicated to their management and rehabilitation during incarceration.

This research follows a qualitative approach with a case study design. Six case studies (three from Mozambique and three from Zimbabwe) were selected through purposive sampling. Foreign offenders from other African countries such as Nigeria and Lesotho were excluded from the sample as they are in the minority in the DCS. Prior to the main study, a pilot study was conducted, and this ensured the validity and reliability of the semi-structured interview schedule used. Due to the sensitivity of the information gathered from the foreign offenders, a semi-structured interview schedule was a necessity, and it was supplemented with document analysis and interviews with national (DCS officials) and international (American and Canadian) experts on matters of corrections and foreign offender assessment.

Due to the researcher's experience of working in a correctional centre, and conducting interviews with South African and foreign offenders, it was easy to establish rapport with the participants. To ensure that confidentiality was upheld, the researcher conducted interviews in one of the social work offices. The researcher respected research ethics including avoidance of harm; informed consent; conflict of interest; violation of confidentiality; deception of participants; storage and safekeeping of data. Further, ethical approval was granted by the Ethics and Research Committees of UNISA and the DCS.

This applied research lays the foundation for the possible formulation of a foreign offender policy, brings to the fore the needs, risks, and aetiology of foreign offender criminal behaviour, and interlinks theory and practice. Lastly, the following criminological theories, Michael Gottfredson and Travis Hirschi's Social Bond Theory, Edwin Sutherland's Differential Association Theory and Gresham Sykes and David Matza's Neutralisation and Drift Theory, relevant to this study are discussed. Integrated theories such as Charles Tittle's Control Balance Theory, Braithwaite's Reintegrative Shaming Theory, Delbert Elliott's Integrated Theory, Michael Gottfredson and Travis Hirschi's General Theory of Crime and Robert Sampson and John Laub's Age-Graded

Theory are used to analyse and explain the crime and criminal behaviour of the six selected case studies.

CHAPTER 5

CRIMINOLOGICAL EVALUATION OF FOREIGN OFFENDERS: CRIME ANALYSIS

5.1 INTRODUCTION

The following chapter focuses on the criminological assessment of the sample of Mozambican and Zimbabwean male foreign offenders incarcerated at Losperfontein Correctional Centre. Demographic information, family background, childhood and adult history, educational and work history, intimate relationships, and criminal history in the native country and South Africa, are examined with the aim of understanding the offenders holistically. From the aforementioned foci, the needs and risks of the selected sample of foreign offenders are identified. The causes, contributory factors and motives for criminal behaviour and crimes are highlighted. In turn, the criminal behaviour is explained against criminological theories, and recommendations regarding programmes and intervention services relevant to address offender behaviour, are provided. Alluding to this, Sun (2013:24) suggests that upon completion of the assessment of offenders, problem areas and needs and risk criteria of foreign offenders, must be identified for case management and for treatment purposes, and this resonates with the crux of this research, namely to identify causes, contributory factors and motives for criminal behaviour and subsequently to identify needs and risks.

In this regard, the researcher conducted criminological assessments (in-depth interviews) with the selected sample of Mozambican and Zimbabwean male foreign offenders which are analysed below. To uphold the ethical rule of confidentiality, the names of the participants and the names of their family members were changed so that they cannot be identified (Kumar, 2014:285; Neuman, 2014:78; Tolich, 2016:97).

This chapter is divided into two parts, section A and section B. Section A captures the case studies of foreign offenders from Mozambique; whilst Section B reflects on the case studies of foreign offenders from Zimbabwe. Both sections (A and B) are

the essence of the foreign offender narratives as submitted, according to their lived experiences.

Prior to the analysis of the aforementioned case studies, it is of importance to unpack the spirit of the analysis, which lays a foundation on which this research is based. It is also paramount to align the scope and focus of this chapter with the core function associated with the analysis.

5.2 CRIMINOLOGICAL ASSESSMENT

As alluded to in Chapter 1, criminological assessment is a specialised practice in the discipline of criminology that focuses on the holistic assessment, identification, analysis, and scientific explanation of the causes, contributory factors, motives, triggers, high-risk situations as well as the determination of the offender needs and risks (Grobler & Hesselink, 2015:23; Hesselink & Mostert, 2014:37). Hesselink and Booyens (2014:2) and Hesselink and Dastile (2015:335) encapsulate criminological assessment as an all-inclusive unique individualised analysis of the offender's criminal behaviour, to determine the needs and risks for rehabilitation purposes which entails offender management, therapy, treatment, and personal development. For this research, the explanation offered by Hesselink and Dastile (2015) is adopted in the analysis of the case studies below.

5.2.1 Offender Causes, Contributory Factors and Motives

Causes are summed up as pre-existing direct drives that play a role towards the commission of a crime (Dooreward, Hesselink & Clack, 2015:41; Hesselink as cited in Holtzhausen, 2012:175). Causes refer to specific traits or characteristics of the offender, such as a pro-criminal attitude, sense of entitlement, callous behaviour, lack of self-control and lack of empathy for the victim, that may exacerbate the offender's chance of engaging in further criminal behaviour (Dooreward *et al.*, 2015:41; Whited *et al.*, 2017:492).

On the other hand, contributory factors simply refer to factors that have the potential to influence the offender to engage in crime, such as a lack of responsibility, lack of morals, lack of respect for the law and authority, lack of empathy for the victims, sense of entitlement and poor insight into behaviour (Liebling, Meduna & Mcara,

2017:200). Dastile (2015:137) sums up contributory factors as factors that influence and shape an offender's pro-criminal thinking.

Lastly, motives refer to factors that encourage the offender to commit a crime such as greediness, willingness to assist or to associate with criminals and perseverance to commit a crime (Osterburg & Ward, 2013:387). Hesselink and Booyens (2017:61) note that causes, contributory factors, and motives oftentimes overlap. Adding on this, Walters, Brown and Wieliczka (2016:7) emphasise that there are no straight cut distinctions between causes, contributory factors, and motives as they often overlap.

5.2.2 Offender Needs

Offender needs are dynamic factors often referred to as criminogenic needs (i.e. anti-social attitude; pro-criminal attitudes; lack of respect for authority and the law; anti-social/criminal associates and lack of work experience and skills) amenable to change if well identified and treated (Crow & Smykla, 2014:127; Whited *et al.*, 2017:492). For the purpose of this research, the above outlay, which states that criminogenic needs are malleable to change if identified and treated, is embraced. Oftentimes criminogenic needs and risks overlap, and some of the needs can be regarded as risks particularly if unaddressed, such as risk-taking and challenging behaviour (Tully, Browne & Craig, 2015:511).

5.2.3 Offender Risks

The static factors (e.g. age at first conviction, previous convictions, and history of substance abuse) make an offender susceptible to engage in further criminal activities (Andrews & Bonta, 2017:309; Van Voorhis & Salisbury, 2016:65). These can be used to predict an offender's probability of reoffending and the level of risks he poses to society, fellow inmates, and the correctional officials (Farrington, 2015:390; Hesselink & Häefele, 2015:317).

SECTION A

This section outlines the case studies of foreign offenders from Mozambique. Where applicable, the offenders' lived experiences and realities are captured in their own words, without being language edited, to give meaning to their behaviour and circumstances.

5.2.3.1 Case Study One: Mr A

The first case study relates to Mr A. Mr A was incarcerated for murder and sentenced to life imprisonment (25 years). Crime analysis and criminological assessment of Mr A is provided in detail below.

5.2.3.1.1 Crime Analysis

This section depicts Mr A's revelation regarding his involvement in crime and convictions in his native country and in South Africa. Mr A revealed that he has never been convicted of a crime in his native country. In 2003 he was arrested for murder and robbery. While at the police holding cell, he escaped but was recaptured before he left the police station. Mr A was sentenced to three years imprisonment for escape with the murder and robbery case pending. He was transferred to a correctional centre to serve his sentence while investigators were busy with his murder and robbery case. He completed his escape sentence in 2005 but could not be released as he had a pending case and because he was an escape risk.

Mr A was transferred back to the remand detention section to stand trial for murder and robbery. From 1990 to 1999 (when the offender came back illegally to South Africa after being deported twice), he led a noncriminal life and was not involved in any criminal activities and did not associate with any criminal friends.

Mr A expounded that the crimes (murder and robbery) took place in Rustenburg (North West Province), but he denies involvement in the crimes and is adamant that he was not at the crime scene when the crimes were committed. When asked about the crimes, Mr A replied:

"Lots of things happened at the court and even these crimes that I am serving this sentence for I did not do it. One of the guys that I am serving this sentence with implicated me; I was not even at the crime scene. I owned a barber shop and criminals used to come to my place selling stolen goods. Only three guys, one Zimbabwean (Andrew), two Mozambicans (Shakes and Comfort) and one South African (Tom) were involved in these crimes. The day they committed these crimes, they robbed the victim of a cell phone. Then Andrew came to my barbershop selling the cell phone to me. I told him I do not need a cell phone, but I have a Mozambican friend and a neighbour (Happy) who needed a phone. Happy had just been released from remand detention as he was

on trial and needed a cheap phone. I accompanied Andrew to Happy's place to sell him a cell phone. Andrew sold that phone for R250 and gave me R50 for finding him a buyer".

The offender furthermore avers that:

"Several days after selling the cell phone, Andrew was arrested. He confessed and divulged his accomplices, but they were out of town because they had gone to commit another crime as they were a criminal gang. Andrew also told the police that the cell phone was with me because he did not know the guy that he sold the phone too. He called me while the police located me; I told him I was at my place. The police came to my place, accompanied by Andrew. The police asked me to accompany them to the police station for interrogation. It was around the past seven o' clock in the evening. When we arrived at the police station, I was assaulted as police hit me with fists when I asked the police why they assault me, they told me that I was also at the crime scene. The top police (senior) came and instructed those junior police officers to stop assaulting me. I was interrogated, and I told the police what transpired and mentioned the guy who bought the phone. We drove back to the village to collect Happy who bought the cell phone. After the police interrogated him, he was set free, but I was taken into custody. We had our first appearance at court but, the other two co-accused who were with Andrew were not yet arrested, and the case was postponed. My girlfriend was pregnant with our second baby, and this made me think a lot. I escaped, but I was rearrested and sentenced to three years".

The two other offenders were apprehended, and the case was referred to the High Court. Mr A clarified to his Advocate that he was innocent and that he was not with the three offenders when they robbed and killed the victim. Andrew turned state witness, and he was not prosecuted. Andrew informed the court that Mr A was their co-accused. The court believed Andrew's testimony and convicted the four of them (Mr A and the other three offenders) with murder and robbery. They were all sentenced to life imprisonment (25 years).

Mr A denies involvement in the crime but admits that he used to commit other crimes. In this regard, Mr A stated that since 1999 he was involved in a syndicate that sold fake platinum around Rustenburg. Mr A's syndicate members were from

Johannesburg (Gauteng Province). Mr A was recruited to join the syndicate because he was famous in his village because of his barbershop.

Regarding Mr A's criminal syndicate, he cited that they had one pure brick of platinum and the others were bogus. The potential street buyers were shown pure platinum as a sample to inspect and weigh. Pure and fake platinum bricks were packaged in the same manner. The buyers were given the counterfeits. The offender and his accomplices made a lot of money from the victims as the victims would be of the impression that they bought pure platinum. The offender was enticed by the lucrative payment received from the criminal syndicate. He said that he was famous and also knew people who illegally bought minerals and that his accomplices convinced him that they would pay him a lot of money if he identified potential victims to the scam.

Only several days after the transaction, the victims would realise that they have been deceived. Most victims came to Mr A's house looking for their money, and he would hide or run away. Some victims told Mr A's girlfriend (Norah) about his deceitful behaviour and swore to kill him if they found him. Norah always admonished Mr A for his criminal behaviour, but he would not listen to her. For this reason, Mr A states that Norah is convinced that he is guilty of robbery and murder. Apart from being involved in selling fake platinum, Mr A also bought stolen goods from criminals, especially hair products because he owned a barbershop. When Mr A was asked what motivated him to purchase stolen goods and sell fake platinum, he mentioned that stolen goods are cheap compared to legitimate goods.

Regarding his conviction for murder and robbery and his life sentence, the offender is not content with the sentencing court. According to Mr A, his trial was not fair and also because the co-accused that he was convicted with, do not know him. He claims that during the trial their (Mr A and his three co-accused) lawyers withdrew from the case as they were not happy with the court proceedings, and that resulted in the judge sentencing them without legal assistance. Due to his dissatisfaction with his conviction, he has appealed his conviction. In this regard, Mr A avers that: *"there are serious problems with this case even the sentencing court cannot provide sentencing records of ±300 pages for the appeal to resume"*.

Mr A revealed that the State funded Advocate appointed to assist them with the appeal told him that the only alternative is to reconstruct the court proceeding of the sentencing court. The offender and his other co-accused are fighting tirelessly to get their appeal heard. Mr A intimates that the sentencing court refused to provide them with the court transcripts. Although there are four people sentenced for these crimes, only two of the four offenders appealed their conviction. The other two accomplices informed Mr A that they are not interested in the appeal because they know that they committed the crimes and that enough evidence to convict them was brought before the court. Items stolen from the crime scene were found at their houses when the police conducted a search.

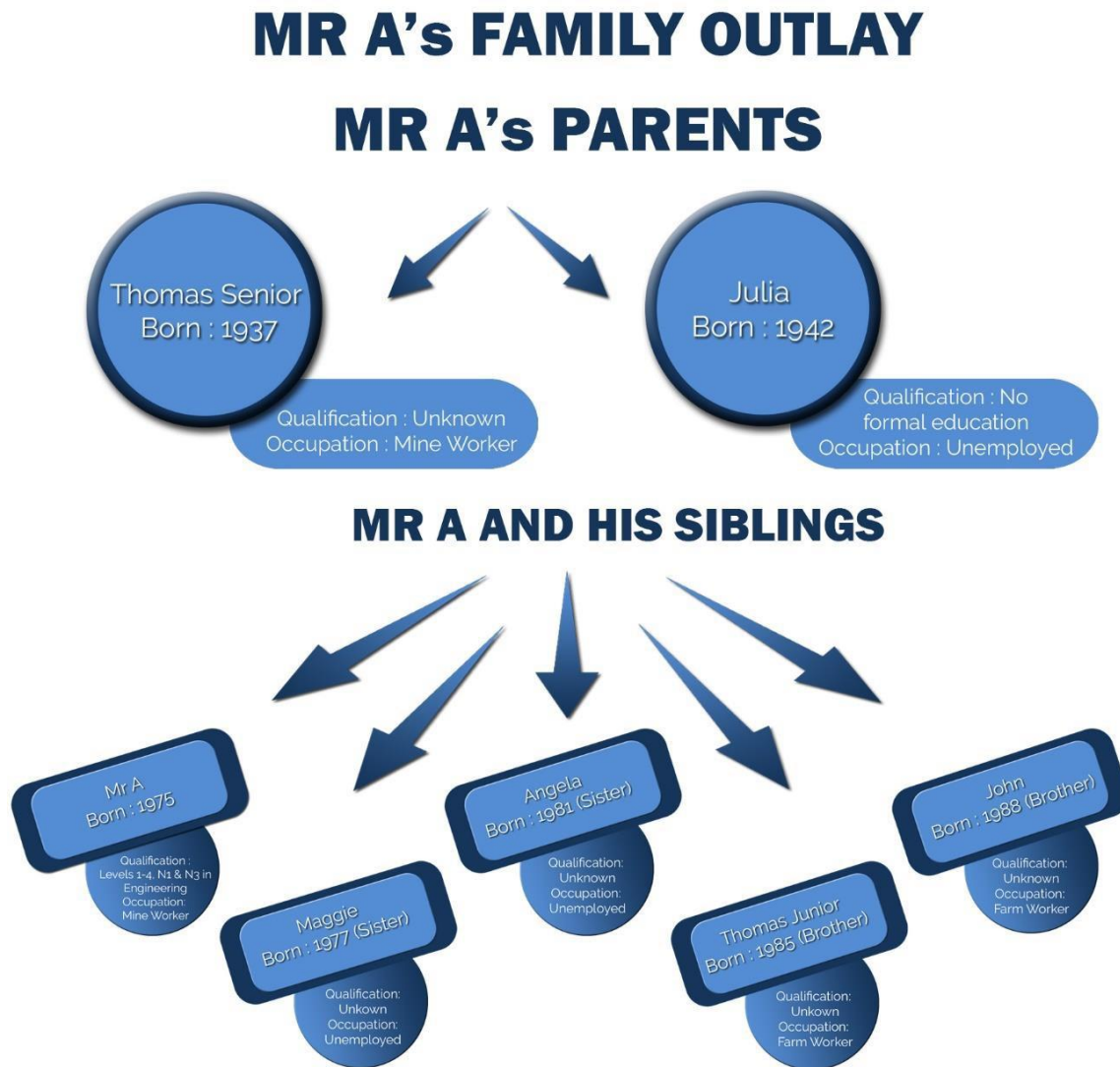
Mr A and one of his accomplices complained to the office of the Head of the National Prosecution Authority and to the office of the Public Protector in the North West Province to assist them in attaining their court transcripts. According to the offender, the Public Protector's office referred the matter to the Department of Justice and Constitutional Development, but there was no response. The offender wrote a letter to the South African Parliament complaining about the sentencing court, his sentence, and the fact that the court refuses to provide them with the transcripts. They were given feedback, and a State Advocate has been assigned to their appeal case. According to Mr A, a judge has been given transcripts to reconstruct the judgement. At the time of the interviews, this matter was still with the office of the judge.

5.2.3.1.2 Family of Origin

Mr A was born in 1975 in Chokwe village (120 km from Maputo) in Mozambique. He is the first born of five children. The offender and his young siblings were raised by their mother while their father was away on work assignments in South Africa. According to the offender, their mother was caring; for instance, from the money she received every month from her husband, she ensured that her children had adequate food and clothes.

Diagram 1 below depicts Mr A's family outlay in terms of their ages, qualifications, and occupations.

DIAGRAM 1: MR A'S FAMILY OUTLAY



Analysis of Diagram 1:

Age: Thomas Senior is five years older than his wife, Julia. Their first child (Mr A) was born when Thomas Senior was 40 years old, and Julia was 33 years old. The age gap between their children is three to four years.

Qualifications: Thomas senior's qualification is unknown, and Julia has no formal education. Mr A's highest qualification is N3 in engineering, and he has no knowledge regarding his siblings' qualifications.

All of Mr A's siblings were in different grades at school when he left Mozambique. Thus, he is not sure if they completed their high school education (Grade 12). His

two younger sisters (Maggie and Angela) are in Mozambique, and his two younger brothers (Thomas Junior and John) are living and working in Ermelo, Mpumalanga in South Africa. The offender's younger brothers relocated to South Africa several years after Mr A's arrival in South Africa while the offender was residing in the Tlhabane township (Rustenburg, North West Province). The fact that Mr A is not well informed about his siblings' educational background clearly depicts a poor relationship (bond) and inadequate contact between Mr A and his siblings (Carlson, 2015:61). The next subheading focusses on the offender's developmental history and elaborates on the parental relationship.

5.2.3.1.3 Developmental History and Parental Relationship

Mr A indicated that his parents were customarily married, but his parents were mostly living apart (his mother was in Mozambique and his father in South Africa) due to his father's work. Mr A's parents were on 'talking terms' and regularly communicated with each other despite the distance. According to the offender, his parents' relationship was particularly good, peaceful, caring and loving. Although his father worked far away, he did not abandon the family; instead, he visited them at month end. Mr A stresses that although his father was not at home most of the time, where possible, his father tried to be involved in their upbringing and he provided financially for the family. However, his father's absence resulted in the offender being coerced to join the military at the age of 13 years. *"I was 13 years old when I was captured and abducted at school, the then military (army) had a tendency to capture youth at school and train them as soldiers. They just didn't care about our age, they looked at one's body structure, and if you were well built and tall, they took you along"*. To avoid the trauma of being a young soldier, Mr A escaped from the military base during the same year (at the age of 13 years) and illegally migrated to South Africa at the age of 14 years. Being forcefully captured and moving to South Africa at such an early age denied Mr A the opportunity to grow up with his siblings. Due to this experience, Mr A has limited memory about his childhood history and early family life. The abduction and being coerced to join the military led to Mr A's family disruption and separation which resulted in a poor family bond, and anxiety and depression for Mr A, especially after escaping as he was scared of being recaptured and executed (Bartol & Bartol, 2017:100; Genheimer, 2015:6).

Prior to his incarceration, and during visits to his home, Mr A claims to have motivated and encouraged his siblings to study hard and to obtain an education. Mr A mentioned that he is not aware of any of his siblings using drugs, alcohol or of being convicted of a crime.

Mr A's family belief system is rooted in their Tsonga tradition and culture, where polygamy and attending initiation school (bush school for circumcision, after which they are regarded as men) are embraced and valued. Although the family's belief is rooted in their culture, Mr A never attended initiation school because he was abducted at the age of 13. Prior to his incarceration, the offender never attended church, but he is a converted Christian, and he attends church in the correctional centre.

5.2.3.1.4 Parental Educational and Employment Background

Mr A's father (Thomas senior) was born in 1937. The offender does not know his father's qualifications, but he asserts that his father was employed in the mines in Westonaria (Johannesburg, Gauteng Province) as a mine labourer. Before Thomas senior retired in 1990, he was working for Impala Platinum Mines in Rustenburg (North West Province). Thomas senior has never used drugs, he smoked cigarettes, and he was an occasional alcohol user. According to Mr A, although his father was inebriated at times, he was nonviolent and would sleep when intoxicated. His father was never convicted of a crime and passed away in 1997. Mr A did not attend his father's funeral as he had no financial means to do so, and he was in South Africa and unemployed at the time.

Mr A's mother (Julia) was born in 1942. According to Mr A, his mother obtained no formal qualifications. She never worked; she was a homemaker and shepherded the family cattle. His mother was a non-alcohol user and a non-smoker, and she had never been convicted of a crime.

Mr A's mother was extremely sick, and she died in 2005 while Mr A was on trial. Mr A's younger brother, Thomas junior, visited him and informed him regarding their mother's death. Mr A indicated that he was incredibly sad when he heard that his mother passed away and that he could not attend her funeral. Nonetheless, as time passed, Mr A accepted that there was nothing he could do because he was incarcerated in a foreign country, and his younger brother only visited him a week

after his mother was buried. Information regarding the offender's educational background, migration and access to South Africa is discussed below.

5.2.3.1.5 Educational Background and Access to South Africa

This section relates to Mr A's childhood and adult-related education, work experience, leadership positions and achievements attained in his native country as well as in South Africa. The offender's access to South Africa is also explained in this section. Mr A dropped out of primary school in (Standard 2 / Grade 4) when he was abducted to join the military. While at primary school, Mr A played soccer but was never awarded any medals or accolades for excelling at sports. He was liked by his teachers and fellow learners and had no conflict with them. He was a class monitor (a leader) in Standard 2 / Grade 4. Mr A has never been expelled from school, and he never associated with deviant (misbehaving and bullying) friends. He did, however, experience learning problems especially understanding the curriculum because the school subjects were taught in Portuguese, which he found difficult to comprehend. For this reason, Mr A failed Standard 1 (Grade 3) and had to repeat it.

Since the offender was abducted to join the military and escaped, he did not complete his education because he illegally relocated to South Africa. According to Mr A, the then Mozambican government was very brutal, and escaping from the military base was considered a crime punishable by death if the culprit was recaptured. Mr A's mother advised him to leave their village and to relocate to Maputo to stay with his aunt. Fearing recapture and execution, the offender heeded his mother's advice and left his rural village for Maputo.

Fearing for his safety and searching for employment, Mr A illegally relocated to South Africa in 1989. He boarded a taxi from Maputo to Ressano Garcia / Lebombo border (a Mozambican and South African border). He and his fellow illegal citizens who boarded the same taxi disembarked before it reached the border gate and hid in the bush. They waited until midnight and climbed the border fence to South Africa. Mr A's parents were not aware that he relocated to South Africa and even his family members (his father, paternal uncle and brother-in-law who worked in South Africa) were not aware of his whereabouts.

Whilst residing in Vereeniging (Gauteng Province), Mr A was arrested for being an illegal foreigner in December 1989 and was detained at Lindela Deportation Centre

in Krugersdorp (Gauteng Province). He was deported back to Mozambique in January 1990. During the same day that he was deported (in January 1990), he returned to the border post and illegally crossed the border back into South Africa.

The offender was arrested again in 1992 in Rustenburg (North West Province) whilst residing with his paternal uncle, for being an illegal foreigner and was deported back to Mozambique for the second time, but he returned to South Africa the next day and stayed at an informal settlement at Meriting township (Rustenburg). The fact that Mr A was arrested and deported to Mozambique twice, but still returned to South Africa, and his escape from the military, depict that he has the ability to persevere, even if it meant being arrested and killed or being deported again. The personality traits of perseverance and the willingness to engage in risk-taking behaviour, are evident in Mr A's character (Matshaba, 2014:45). In 2003, Mr A was accused of murder and robbery, arrested, and taken into custody where he is currently serving his sentence for the aforementioned crimes.

5.2.3.1.6 Employment Background

This section relates to Mr A's work history both in Mozambique and South Africa. He held one job in Mozambique, and he was employed in ten positions in South Africa.

First employment: Prior to his illegal migration, Mr A briefly worked in a bakery in Maputo in 1988. During the December holidays of 1988, Mr A visited his family at Chokwe village. In January 1989, he left his home and his family was under the impression that he was returning to his work at the bakery in Maputo. Instead, he only worked for another three days at the bakery (after he returned from home) and he then relocated to South Africa in January 1989.

Second employment: Upon his first entry to South Africa (January 1989), Mr A worked as a general worker (pruning, irrigating, and harvesting bananas and other work as allocated by the farm owner) at a banana farm in Komatipoort (Mpumalanga Province). He quit this job and relocated to Carletonville (Gauteng Province) after being convinced by his fellow farm workers that employment conditions and salaries were better in Gauteng.

Third employment: In the same year (1989), he worked as a general worker (mixing concrete, sand, and cement, plastering and providing bricks to bricklayers) in a construction company in Carletonville. He then quit this job after several months

because he feared for his life because he conflicted with Reuben (a resident in Carletonville) who accused him of having an affair with his girlfriend. Reuben had recruited 'local guys' to assault the offender.

Fourth employment: Mr A relocated to Vereeniging. He worked as a general worker (mixing concrete, sand, and cement, plastering and providing bricks to bricklayers) in another construction company based in Vereeniging from late 1989 to early 1990 when he was arrested and deported to Mozambique.

Fifth employment: Upon his return from Mozambique in 1990, he worked at the same farm where he previously worked in 1989. He quit his job and left Komatipoort clandestinely after finding out that his girlfriend (Sibongile) was pregnant and he then moved to Rustenburg to stay with his paternal uncle.

Sixth employment: In 1991, he worked temporarily in a construction company in Rustenburg.

Seventh employment: Upon completion of a construction project in 1991, Mr A was hired temporarily at the Anglo Platinum smelters.

Eighth employment: The offender was hired in a silica mining company in Rietvlei outside Rustenburg, from 1992 to 1995. He moved to Rietvlei to reside in the company compound (a hostel). After two years the company was sold to a new owner. The new owner demanded South African identity books (ID) from employees who were South Africans, and work permits from those who were foreigners, in order to stay employed at the company. Since Mr A was an illegal foreigner, he had no legal documents and could not be retained by the new company owner.

In 1996, Mr A relocated to Lefaragatlhe village (one of the Bafokeng villages in Rustenburg, North West Province) where he rented a room. During the same year (1996) he moved to a squatter camp (informal settlement with houses built from corrugated iron sheets) closer to Rustenburg and erected his own shack. The Rustenburg municipality later demolished the squatter camp as the people had illegally erected shacks on land that they did not own. The offender relocated to another township in Rustenburg called Meriting. Although the offender provided the finances, he could not claim ownership of the shack and the stand, as he was an illegal foreigner. Therefore, the property was registered in his girlfriend's (Norah) name.

Ninth employment: In 1996, Mr A worked for CC Chrome Mining company (opencast, mining operation whereby miners do not have to go underground) in Kroondal (a farming area outside Rustenburg town, North West Province) for eight months. He resigned after he had a disagreement with his supervisor and joined XX Chrome Mining (opencast). According to Mr A, his supervisor wanted him to work overtime, and he was not prepared to do so.

Tenth employment: Mr A worked for XX Chrome Mining for five years (1996-2001). He quit his job because of a dispute with his supervisor. The offender claims that he got on well with his co-workers, and there was no fighting or conflict amongst them. When asked what dispute he had with his supervisor that led to his resignation, Mr A alluded that he was posted for night duty on a weekend and he requested his supervisor to post him for day duty, as he wanted to watch a televised soccer match that Saturday night. His supervisor refused as he considered his reason invalid. Mr A did not report for duty that Saturday night and reported for duty on Sunday morning. His supervisor admonished him, but Mr A became angry and left work. This is the second position that Mr A resigned due to conflict with his supervisors.

Apart from the dispute with his supervisors, Mr A indicated that he performed his duties very well, that he was always on duty and was trusted by his supervisors. Although the offender indicated that he was a responsible worker (meaning, he was always on duty and performed his duties), he defied the rules of the authority, and he never reported for duty again.

Eleventh employment: After this, Mr A became self-employed. He opened an all-in-one tuck shop (selling groceries) and a barbershop in Mosental Village.

5.2.3.1.7 Intimate Relationships

The offender has never been married but has been involved in two intimate relationships. He is the father of three children from two different women (his first girlfriend, Sibongile and his second girlfriend, Norah).

First relationship: When Mr A was deported to Mozambique for the second time in 1992 and returned to the border post, he found work on a farm in Komatipoort. While working there, he dated Sibongile, who was also employed on the same farm. Sibongile was also originally from Mozambique and was born in 1977. She was a

non-smoker and a non-alcohol user. She never used drugs and had never been convicted of any crime.

Due to the offender's relationship with Sibongile, he stayed longer in Komatipoort and cohabitated with her. Sibongile fell pregnant, and Mr A stressed that he was not prepared to be a father and decided to abandon her after he realised that she was pregnant. The offender did not want to take responsibility for his action and stated that he did not earn enough money to raise the child. He absconded from work and moved to Rustenburg without informing his girlfriend. Due to Mr A shirking his responsibility of raising and financially supporting his child, there was no contact between the child, and the offender and Sibongile raised the child on her own.

While at Rustenburg, Mr A stayed with his paternal uncle again. Although the offender ran away from his first girlfriend, he later maintained contact with Sibongile until he was imprisoned. At the time of the interviews, the offender did not have a relationship or contact with his son from Sibongile.

Second relationship: In 1993, Mr A started dating a South African woman called Norah, who was born in 1979. Mr A and Norah have two children (a boy and a girl). Their first born was young when Mr A was sentenced and their second child was not born yet, but Norah was already pregnant. Mr A never had a chance to raise his children because he was arrested, convicted, and sentenced when his children were very young. Prior to his incarceration, Mr A was financially and emotionally supportive of his girlfriend. Norah is a non-smoker and a non-alcohol user. She has neither used any drugs nor been convicted of any crime, and she has always been unemployed.

Norah visited Mr A while he was awaiting trial. Several days after her visit, Mr A escaped from the police holding cells but was recaptured before he could leave the police station yard. The detail and analysis of the escape, murder and robbery will later be expounded when his crimes are analysed. After being convicted and sentenced for all three crime (escape, murder, and robbery) he was transferred to Losperfontein Correctional Centre, Mr A phoned Norah to visit him, and she agreed. During the visit, they discussed Mr A's sentence, and Norah cried upon hearing that her boyfriend is serving a life sentence. Their visit was terminated before they finished their discussion due to a lapse of visiting time. Norah left heart-broken and

never visited again; she also changed her cell phone number. Mr A attempted to call her on several occasions, but he could not locate her. The offender then phoned her cousin and requested to speak to Norah. During their conversation over the phone, Norah informed Mr A that their relationship is over because he is selfish as he decided to commit a crime and thus left her to raise their children on her own. She told Mr A that she had been admonishing him to quit committing a crime, but he would not listen and thus she had reasons to also move on with her life because Mr A never considered them (her and their children) when he committed a crime. Nonetheless, Norah provided Mr A with her new cell phone number, and they reached a consensus that Mr A can call her to check on their children. Despite being allowed to call and to speak to his children, a poor parent and child bond between Mr A and his children is apparent. Although Norah allowed Mr A to call, she made it clear that their intimate relationship was broken irretrievable, particularly because the offender is serving a life sentence and will only be considered for parole after serving 25 years in prison.

5.2.3.1.8 Current Support Structure

The offender still has contact with all of his siblings, and they are aware that he is incarcerated, but they had never visited him except for when his younger brother visited him to inform him about the death of their mother. Although family members do not visit, he mentions that they support him financially. He has regular telephonic contact with his two younger sisters (Maggie and Angela) who reside in Mozambique and receives support from his two younger brothers who are based in Mpumalanga. They also communicate through the phone. Mr A calls them when he needs toiletries and his siblings then mail them to him. Despite his brothers staying in South Africa, they have never visited him.

The offender also has contact with his extended family members (his paternal uncle, cousin, and his brother-in-law) who reside in South Africa. Although his extended family members never visit him, they offer him financial support by buying him 'world call' (Telkom public phone airtime) so that he can call them. Apart from his family members, Mr A receives financial support from three childhood, Mozambican noncriminal, friends who also reside in South Africa. However, his friends never visit him, they only communicate through the phone, and they provide him with world calls when he needs them. Two of his friends are employed in different mining

sectors while the other one is self-employed (owns a tuck shop) and they all reside in Rustenburg.

5.2.3.1.9 History of Substance Abuse and Criminal Associations

This section captures Mr A's history of alcohol and drug abuse as well as his association with criminal friends. Mr A has never used drugs, and he never smoked cigarettes. In 2000, he started imbibing alcohol, but he quit after four months when his girlfriend complained about it.

The offender did not have anti-social or criminal friends at school as his school career was noticeably short. As an adult, he mingled with criminal associates (since 1999) when he joined a criminal syndicate that sold fake platinum to street buyers. During his first involvement with the syndicate they profited R 75 000, and this enticed him to find more targets.

After Mr A opened a tuck shop and a barber shop and purchased stolen goods from criminals. The offender's second girlfriend (Norah) used to admonish him for befriending criminals and for purchasing stolen goods, but Mr A would not listen. Due to Mr A being a buyer of stolen goods, he fostered relationships with several criminals.

Mr A previously had contact with his two criminal friends, but they were since arrested for car theft in Thabazimbi (Limpopo Province) and have lost contact, and Mr A does not know their whereabouts.

5.2.3.1.10 Behaviour During Incarceration

Mr A is not involved in gang activities in the correctional centre, neither is he using drugs nor involved in the smuggling of contraband in the correctional centre. Since his imprisonment, the offender has never been charged for ill-discipline, and the aforementioned were confirmed in his CMC file. Although he had been a member of a precious metal criminal syndicate, he elucidated that he was not part of violent gangsters in the community and not part of the gangs inside the correctional centre. Despite Mr A's previous attempted escape, he decided to follow legitimate ways to redress the injustice that he feels the court has bestowed on him. Mr A displays no conflict with the officials or with his fellow inmates. He is used to the bureaucracy and routine (life) of the correctional centre, and he has adapted very well to correctional centre living.

5.2.3.1.11 Leisure and Recreational Activities

During the first years of his incarceration, Mr A played soccer for one of the correctional centre's soccer teams (Celtics). He is currently part of the management of the inmate soccer team. During his spare time, he reads books and the Bible.

5.2.3.1.12 Qualifications Obtained While Incarcerated

Since Mr A left school in Mozambique, he did not attend school until he was sentenced. During his incarceration, he completed levels 1, 2, 3 and 4 of Adult Basic Education and Training. He also completed several Biblical Courses while serving his sentence at the Losperfontein Correctional Centre. Furthering his studies while incarcerated has improved Mr A's vocabulary as he can now read and write in English. He has completed N1, N2 and N3 in Electrical Engineering. At the time of being interviewed, he had registered with the Matriculation Board of South Africa and enrolled for the following subjects: English, Xitsonga, and Business Studies.

5.2.3.1.13 Involvement in Rehabilitation Services in the Correctional Centre

This section outlines Mr A's involvement in correctional programmes and professional therapeutic services rendered at the correctional centre. Mr A has never attended any correctional programmes or social work programmes. Correctional programmes are informative and presented by officials with behavioural science degrees (e.g. BA degree in Psychology) while social work programmes are therapeutic and presented by qualified social workers.

Mr A attended anger management, life-skills and HIV/AIDS programmes which were facilitated by a peer educator. Although the names of these programmes are similar to correctional programmes, the content differs. Programmes presented by peer educators are just information sharing sessions, and the level of the understanding of those who attended and participated is not evaluated.

The offender received individual therapy with a social worker when his girlfriend decided to break up with him, and he has accepted the outcome of this relationship. The offender has not received any psychological service or assistance while incarcerated.

When the offender was asked what motivated him to attend the abovementioned programmes, he indicated that when he was admitted in a correctional centre, he

was informed about the danger of HIV/AIDS and that he wanted to learn more about this disease. He also wanted to learn about ways of controlling anger because some of the offenders are provocative, and through this knowledge, he would be able to control his anger.

5.2.3.1.14 Personal Goals

Regarding his short-term goal, Mr A professes that he would like to attain a certificate or a diploma in business management while incarcerated. Pertaining to the offender's long-term goals, he accentuates that he would like to own an all-inclusive grocery store when released from the correctional centre. However, the offender indicates that his first option upon his release is to resuscitate his tuck-shop and barber.

5.2.3.2 Criminological Evaluation and Analysis of Mr A's Criminal Behaviour

The following section evaluates Mr A criminal behaviour. Probable causes, contributory factors and motives related to his behaviour are determined, and from this, the offender's needs and risks are identified for rehabilitation purposes.

5.2.3.2.1 Causes of Mr A's Criminal Behaviour

This subsection identifies the causes of Mr A's criminal behaviour.

- Risk-taking, opportunistic attitude and being manipulative: Mr A has risk-taking tendencies. Despite being aware that he will be executed if he is recaptured, he still escaped from the military camp. His risk-taking attitude is further corroborated by his escape from police custody. Offenders with risk-taking and opportunistic attitudes are willing to take risks even if involves losing their lives if the risk is associated with adequate profits (i.e. money gained from crime; being free from custody) (Gummerum, Hanoach & Rolison, 2014:1875). Risk-taking behaviour and opportunistic attitude are risks for reoffending and engaging in risky behaviour clearly played a significant role and had a profound influence on Mr B's criminal behaviour (Simourd *et al.*, 2016:1427). Mr A also displays deceptive and cunning behaviour, he recruited customers to be deceived and sold them fake platinum. He also assisted criminals to find potential customers for stolen goods and was paid for doing so. Corroborating Mr A's manipulative behaviour, Devon, (2018:1) adds that

manipulative persons are very deceitful, exaggerative, and easily prey on potential victims as they make them believe that what they say is true.

- Pro-criminal attitude and thinking patterns: Mr A showed pro-criminal attitude and thinking patterns; he was easily recruited to join the criminal syndicate that sold fake platinum. Individuals with pro-criminal attitude and thinking patterns easily associate with criminal peers as they think alike (Simourd, *et al.*, 2016:1428). Mr A purchased stolen goods and was oblivious to the fact that purchasing stolen goods is a crime. Instead, he declared that stolen goods are cheaper than goods bought legitimately. According to Banse, Koppehele-Gossel, Kistemaker, Werner and Schmidt (2013:673) and Ungwudike, Raynor and Annison (2018:318), purchasing and selling of stolen goods display pro-criminal attitudes and thinking patterns, which are causes of criminal behaviour.

5.2.3.2.2 Contributory Factors Associated with Mr A's Criminal Behaviour

Contributory factors to Mr A's criminality include:

- Lack of responsibility: Mr A has a tendency of shirking responsibility for his behaviour and actions, which was displayed when he ran away after his first girlfriend informed him that she was pregnant. The offender stated that "*I was not prepared to be a father, and I ran away*". A lack of responsibility can be attributed to his childhood experience of growing up without a father figure, as his father was always away, and being abducted to join military whilst at school (Hesselink as cited in Holtzhausen, 2012:175; Masemola, 2017:1). Children who are abused, lack positive role models or good relationships with their parents, and who are without moral and emotional support are more inclined to fear the responsibilities associated with adulthood and are thus more likely to resort to crime (Taylor, 2016:334).
- Selfish, self-centred behaviour and a sense of entitlement: After being informed of Sibongile's pregnancy, Mr A disappeared without thinking about how Sibongile would raise the child on her own. At his tenth place of employment, Mr A had a dispute with his supervisor. He was posted for night duty on a weekend, and he requested his supervisor to post him for day duty as he wanted to watch a televised soccer match on that Saturday night. When

his supervisor refused, he defied his instruction and never reported for duty that Saturday night. Instead, he reported for duty on Sunday morning. When his supervisor admonished him, Mr A became angry and left work. This shows a sense of entitlement as Mr A wanted to work day shift because it suited him, he could not afford to miss a televised soccer match and therefore defied the legitimate instruction of his supervisor. A sense of entitlement accounts for a greater likelihood of criminal behaviour because it exacerbates a lack of empathy for others (Boduszek, Hyland, Pedziszczak & Kielkiewicz, 2012:23; Jobson, 2016:1; Shahidullah, 2017:460).

- Lack of morals and a lack of respect for the law and authority: Although he was admonished by his girlfriend to stop buying stolen goods and to stop associating with criminals who sell fake platinum, Mr A disregarded his girlfriend's advice. Instead, Mr A supported the purchase of stolen goods, and he believed that stolen goods are cheaper than goods bought through legitimate means. His lack of respect for authority is also evident in that he defied instructions given to him by his supervisors. A disregard for the law entails defying lawful orders from people in authority (Frye & Klosko, 2016:3) and purchasing stolen goods demonstrates disdain for the law that possession of stolen goods is considered a crime punishable by a fine, or a term of imprisonment or both (Mogadime as cited in Mathebula, 2017:1).
- Poor insight and understanding of their own behaviour: Mr A exhibited an inability to assess the impact of his behaviour on others before he acted. Offenders with poor insight and lack of understanding are unable to foresee the consequences of their behaviour (Kerkar, 2017:1; McDougall, 2013:257). Mr A's inability to assess the results and impact of his actions is also portrayed in his tendency to be involved in crime over and over. He ran away after finding out that his first girlfriend was pregnant without considering that he also has a role to play as a father and to provide for his family.
- Lack of empathy for victims: Mr A displayed no empathy for the victims; he is unconcerned that his victims work hard to acquire materials they possess. Mr A's lack of empathy for his victims is shown by his inclination to purchase stolen goods and promote crime (Borgeson & Kuehnle, 2012:18). People with a lack of empathy are inconsiderate of others and more inclined to promote

crime by purchasing stolen goods (Barnett & Mann, 2013:230; Shariff, 2015:64).

5.2.3.2.3 Motives Related to Mr A's Criminal Behaviour

This section focuses on explaining the motives that resulted in Mr A's criminal behaviour.

- Greed: An outstanding motive for Mr A's involvement in criminal activities is greed. Greed and the tendency to want to have more with less challenging work attract people to criminal activities (Peak, 2015:89; Rider, 2015:25). Despite him receiving enough profit from his tuck-shop and barber shop, he still purchased stolen goods and sold them at a higher price.
- Criminal association: As Mr A was well-known in his residential area, he associated with criminals which encouraged his belief that the proceeds of crime are more lucrative than legitimate ones; and he was therefore enticed to join a precious metal crime syndicate. Associating with criminal peers may easily influence an individual to join in criminal activities because one gets to see the proceeds of crime from these peers (Tibbetts & Hemmens, 2015:298). Mr A averred that the crime syndicate made R75 000 on their first criminal transaction. As he believed that crime was more rewarding, he was also willing to find more customers and helped his criminal friends to find a customer for the phone and was rewarded with R50. Bachman and Schutt (2015:113) highlight greed and criminal association as some of the motives for criminal behaviour and these factors are present in Mr A's behaviour.

5.2.3.3 Mr A's Criminogenic Needs and Risks

Thus, some of the needs identified in this case study and other case studies to follow may also be identified as risks. Below are the needs and risks identified for Mr A.

5.2.3.3.1 Mr A's Criminogenic Needs

The following are identified as Mr A's criminogenic needs for self-development and rehabilitation directives:

- Absent father figure: With Mr A's father being away from home (due to work responsibilities, in Westonaria and later in Rustenburg) Mr A grew up without the involvement of his father. Porter and King (2015:430) postulate that

children who grow up without the involvement of their fathers in their lives often suffer behavioural problems and may later commit a crime. This is evident with Mr A, as his father was hardly at home as he was a migrant worker which eased Mr A's pathway to crime. A father's incarceration and lack of involvement in his children's lives breeds potential future criminals (Makiwane, Nduna & Khalema, 2016:200; Porter & King, 2015:430).

- Unresolved childhood trauma: Being abducted at the age of 13 years and being forced to join the military at such an early age was a traumatic experience for Mr A. Being abducted and forced to leave home at an early age with no contact with the family is very traumatic (Schuz, 2013:64; Vijayarasa, 2015:72). Safir, Wallach and Rizzo (2015:3) postulate that unresolved or untreated childhood trauma is likely to result in post-traumatic stress disorder, and it is thus important that Mr A is referred to a psychologist for further assessment.
- Inadequate support from an intimate partner and poor relationships with siblings: Although Mr A's family communicate with him through the phone; they have not visited him. He also has no support from his former girlfriend (Norah, the mother of his two children). Imprisonment is strongly associated with the breakdown of marriage and cohabitation or intimate relationships (Apel, 2016:106). Norah made it clear to the offender that their relationship is over, but Mr A is allowed to have contact with their children. All his children were young when he was convicted, and there is no relationship between the offender and his children. Absent fathers who are incarcerated cannot provide for their families and thus leave their children vulnerable to poverty and anti-social behaviour (Huan, Ang & Yen Nie Lim, 2010:570). Fatherhood is always associated with providing security and resources to one's family, and incarceration hampers the fulfilment of such a role (Morwe, Tugli, Klu & Matshidze, 2015:16). Farrington (2015:204); Kruk (2012:2); and Porter and King (2015:417) proffer a father's criminality as one of the predictors of youth criminality because fathers are role-models from whom their children obtain a set of life beliefs and principles. Thus, there is a need for the offender to establish a relationship with his children and his siblings. The lack of knowledge regarding his siblings' educational qualifications clearly shows that

Mr A's relationship with his siblings is weak. Furthermore, Mr A has an inability to maintain long-term intimate relationships, and this emanates from lack of childhood bond with his parents and his siblings because he was abducted and had to flee from home after he escaped. A lack of a parent-child relationship may hamper a person from establishing or maintaining an intimate relationship in future because he lacks a social commitment to caring for others (Mbanje, 2015:1; Strebe, 2017:1).

- Lack of parental responsibility and inadequate parenting skills: As mentioned already, Mr A was abducted, and after he escaped from the military, he was forced to flee his home as he feared execution. This offered Mr A no time to spend time with and to learn parenting skills from his parents. Therefore, it can be argued that Mr A displayed no parental responsibilities and skills, and thus absconded when he became aware that his girlfriend was pregnant. Individuals with a lack of parental skills easily neglect their parental responsibility for emotionally and financially supporting their partners and children (Weinberg, 2016:60). Validating Mr A's inadequate parental skills and irresponsible behaviour is his willingness to engage in criminal activities without considering the impact of his behaviour on his family. Parental involvement in crime and imprisonment are associated with poor parent child-rearing methods as it is impossible for absent parents to discipline their children (Farrington, 2015:203).
- Lack of respect for authority and the law: Due to being abducted as a child, Mr A was denied an opportunity to enjoy his childhood, and this resulted in him having a disdain for authority. Hence, he could not cooperate with his work supervisors. Negative childhood experience (abuse or maltreatment) and a lack of family support, exacerbate an individual's chance of being involved in anti-social behaviour (Bezuidenhout, 2013:265; Krause, 2016:1; Thomas, 2017:1; Tong, Ku & Zaroff, 2016:539). A negative attitude towards authority may result in an individual not being able to sustain employment (Phala, 2017:1), as is the case with Mr A.
- Lack of empathy for other people and a selfish attitude: Mr A portrayed no empathy for other people; he abandoned his first girlfriend after he was informed that she was pregnant. People with a lack of empathy have no regard for the feelings of others and are selfish as they do not think about the

consequences of their behaviour on others before they act (Fox & Levin, 2015:75; Martin, 2016:43). Mr A is selfish, and he never thought about the consequences of his behaviour for his girlfriend and children; his selfish behaviour is further corroborated by his willingness to commit a crime despite being admonished by his second girlfriend.

- Pro-criminal attitude and lack of conventional norms and values: Mr A holds a belief that purchasing stolen goods is not necessarily a crime but rather lucrative business. This renders Mr A a person with a lack of moral values which promotes crime by buying stolen goods. Simourd *et al.*, (2016:1426) posit that a pro-criminal attitude and belief is a predominant criminogenic need that has to be addressed during an offender's incarceration, because if not addressed the offender can easily relapse to crime.

5.2.3.3.2 Mr A's Risks

Under this heading, the risks for reoffending and future dangerousness are identified and discussed:

- Poor family relationship and inadequate support system: Due to being abducted and being compelled to emigrate at an early age (13 years), Mr A was denied the opportunity to bond with his parents and siblings and suffered from poor emotional development. Andrews and Bonta (2010:227) and Siegmunt (2016:12) state that people without bonds to their families often feel inadequate in the face of life changes (sickness or childrearing) and revert to withdrawing, instead of confronting challenges. Mr A's lack of bond with his parents and siblings resulted in him not being willing to withstand life challenges, and he absconded after he heard that his girlfriend was pregnant. Although the offender has contact with his siblings, they never visit him despite his two brothers being based in South Africa. This clearly portrays that the bond between the offender and his siblings is feeble. Adequate family support is a fundamental factor to dissuade the offender from reoffending; the lack thereof is also considered a major risk for relapsing into crime (Martin, 2016:285; Van Wormer & Walker, 2013:180). Consequently, this renders Mr A a risk for reoffending because he exhibits inadequate intimate relationships with both his former girlfriends and his siblings, who do not offer him adequate moral support.

- Susceptibility to criminal influence and pro-criminal attitude: Mr A is very susceptible to criminal influence, and this is a risk for reoffending. Hesselink, as cited in Holtzhausen (2012:139) denotes that susceptibility to criminal influence is a risk for reoffending because an offender can easily be recruited by criminal groups and convinced to re-offend. Due to Mr A not being prepared to work hard and earn a living legitimately, he considers crime a quick and effortless way to earn an income. Mr A decided to join the crime syndicate after earning lucrative dividends through trading in illegal and fake precious metal. Criminogenic thinking and a disregard for the law, is a risk for further promotion of crime and recidivism (Andrews & Bonta, 2017:50; Crow & Smykla, 2014:127; Farrington, 2015:391; Hesselink as cited in Holtzhausen, 2012:139; Simourd, *et al.*, 2015:1428). Thus, Mr A's pro-criminal mindset resulted in him buying stolen goods and not finding anything wrong with such action. A criminal mindset and a belief that the proceed of crime are lucrative, are risks for reoffending (Whited *et al.*, 2017:492).
- Risk-taking attitude and perseverance: Mr A is a risk-taker; although he knew he risked being executed if recaptured, he escaped from the military base. A risk-taking attitude is often associated with crime and recidivism as the offender is prepared to engage in whatever criminal activity, at all costs, even if it means losing his own life (Dhami & Mendel, 2012:390, Thobane as cited in Tau 2018:1). Mr A's risk-taking attitude is further exhibited by his perseverance to illegally return to South Africa after being deported to Mozambique (on two occasions) and with regards to his escape from police custody. A risk-taking attitude may result in reoffending as the offender may think that because he was successful with the first crime, he will thus always circumvent justice (Balogh, Mayes & Potenza, 2013:7; Rosner & Scott, 2017:526; Worthy, 2017:80). After making a profit (R75 000) from the first criminal transaction, Mr A and his criminal syndicate preyed on and deceived more individuals.
- History of escape: Mr A escaped from police custody but was recaptured. According to James (2015:25) and Bonta and Andrews (2017:300), previous criminal behaviour and an escape history predict future behaviour. Thus, if not well monitored, Mr A poses a risk for escape and a risk of being a fugitive as he might cross the border post back to Mozambique upon his escape from

custody. His escape risk is exacerbated by his sentence of life imprisonment (25 years) that he must serve before being considered for parole (DCS, 2012:18; Goldsmith, Halsey & Groves, 2016:155; Novak, 2016:25; Terblanche, 2016:250).

- Previous criminal record and self-disclosed criminal activities: Mr A exhibited a previous criminal record. Rosner and Scott (2017:526) aver that a previous criminal record, and the offender's self-disclosure of involvement in criminal activities, must be considered when predicting future behaviour. A previous criminal record confirms that the offender has not reformed and that he has not learned from the previous crime, and the sentence imposed, which is why the courts consider a previous criminal record as an aggravating factor (Jacobs, 2015:225; Terblanche, 2016:250; Whited *et al.*, 2017:492). It is easy for the offender to relapse to the previous behaviour, especially without noncriminal adequate family support (Pfluegar, Franke, Graf & Hachtel, 2015:4; Trevena & Weatherburn, 2015:6), and this suggests that Mr A is a risk for reoffending.
- Diverse criminal involvement: A diverse criminal history is indicated as a risk for reoffending (Hesselink as cited in Holtzhausen, 2012:139). Similarly, to having criminal friends, being involved in diverse crimes (e.g. purchasing stolen goods, illegal selling of platinum, robbery, and murder) is a risk for reoffending (Carlson, 2015:98).
- The sense of entitlement and unstable work history: Due to his sense of entitlement (choosing shifts he wants to work) and a negative attitude towards authority (work supervisors), Mr A has never worked permanently for a period of more than five years, and this highlights as a risk for reoffending. An unstable work history aggravates the offender's change of offending because it portrays him as a person who lacks commitment (Tully *et al.*, 2015:511). In his entire working career, Mr A has held more than ten jobs. History of unemployment and unstable or diverse employment is regarded as a risk for reoffending (Prinsloo & Hesselink, 2015 (a): 70) because a person who is permanently employed will avoid committing a crime as he knows that if arrested, he will lose his job.
- Deceiving and cunning behaviour: Mr A is very deceitful. Hunter (2015:404) states that deceitful people are easily recruited into criminal gangs. Mr A was

recruited to join a criminal syndicate to entice potential customers with an original pure platinum brick but then sold them counterfeits. Deceitful and cunning behaviour predicts the risk for reoffending because such behaviour results in offenders denying the crime (Banerjee, 2015:217; Hapkins, Howard, Barnett, Wakeling, & Miles, 2014:3). In support of this, Mr A denied the crime and claimed that he was not there when the victim was murdered and that he only provided a customer for the cell phone stolen from the crime scene.

- Criminal association: Associating with criminal friends is underscored as a risk for reoffending because friends have a major influence on individuals' lives (Simourd *et al.*, 2015:1428). Although Mr A claims to have lost contact with his criminal friends prior to his incarceration, he associated with criminals as he provided a market for stolen goods. It can be argued that currently, there is no communication between the offender and his criminal friends only because the offender does not know their whereabouts (Farrington, 2016:390). Given an opportunity, there is a possibility that Mr A will rekindle the relationship with his criminal friends, particularly because of his inadequate family support and the fact that he plans to resuscitate his business upon release. Wallace, Fahmy, Cotton, Jimmons, Mackay, Stoffer and Syed (2016:4) warn that resuscitating former business will easily attract potential criminal friends. Concisely, criminal associations that Mr A enjoyed prior to his incarceration render him a risk for reoffending (Bonta & Andrews, 2017:181; Bachman & Schutt, 2017:404).
- A negative role model to youth in the community: As he was well known in the community, community members thought that Mr A's business was successful; unbeknownst that he was selling counterfeit platinum. Therefore, Mr A is a negative role model to the youth in the community and to his own children as they might regard crime as a lucrative way to get rich in a quick and illegal manner. Children and youth are easily influenced by those they see possessing material resources (Van Voorhis & Salisbury, 2016:200).
- No empathy for the victims: It is clear that Mr A displayed no empathy for the victims because he rationalised his behaviour and claimed that he was not really committing a crime, as he was only connecting criminals with potential customers. Having no empathy for other people is a risk for reoffending

because the offender is more likely to act negligently without considering the effects of his actions on others (Fox & Levin, 2015:75).

- Lack of insight and understanding of criminal behaviour (rationalisation, neutralisation and minimalising): Mr A lacks insight, and he has no understanding of the causes of his criminal behaviour. Offenders with a lack of insight into their criminal behaviour are more inclined to neutralise the effects of their criminal actions (Siegel, 2016:235; Thomas, 2019:7; Tibbetts & Hemmens, 2015:306). Mr A neutralises his behaviour by arguing that he was not really committing a crime as he only served as a middle-man and located customers for his criminal friends. He also reiterated that stolen goods are cheaper than those obtained legitimately. Mr A's lack of insight and lack of understanding into his criminal behaviour, and his aspiration to resuscitate his business (barber and tuck-shop) post-incarceration serve as a risk for relapse into crime, particularly because he believes that stolen goods are cheaper and could be resold for a higher profit. Lack of insight, pro-criminal attitude and criminal association, are identified as principal predictors of reoffending (Barrett, 2013:1; Lannotti, 2017:1).

5.2.3.3 Theoretical Explanation of Mr A's Criminal Behaviour

Mr A was influenced by traits that were previously discussed, namely a pro-criminal attitude, lack of respect for the law, lack of empathy for the victim, lack of moral values, rationalising and neutralising attitude, deceiving and cunning behaviour (Farrington, 2015:391; Hunter, 2015:404; Simourd *et al.*, 2015:1428). He easily associated with criminals. It can, therefore, be argued that Mr A's criminal behaviour is a result of associating with criminals, stimulated by his personality traits.

Criminals also knew that Mr A was their customer, and every time they had stolen goods, they would tell him first. Appropriate theories to explain Mr A's criminal behaviours are Edwin Sutherland's Differential Association theory (1939) and Robert Sampson and John Laub's Age-Graded theory (1993).

Focussing on the Differential Association theory first; the central tenet of Differential Association theory is that criminal behaviour, like any other form behaviour, is learned through association with other criminals (Conklin, 2013:188; Siegel,

2016:229). Several propositions of the Differential Association theory fit Mr A's criminal behaviour and are explained below:

- **Criminal behaviour is learned:** Although Mr A has a sense of entitlement, disrespect for authority and the law, and a pro-criminal attitude (Krause, 2016:1; Tully *et al.*, 2015:511), he was never involved in criminality until he started buying stolen goods from criminals which afforded him the opportunity to learn about crime (Tibbetts & Hemmens, 2015:298). Due to his relationship with criminals, he attracted a group of bogus precious metals dealers that convinced him to join them.
- **Criminal behaviour is learned in interaction with other persons in the process of communication:** Upon joining the mineral syndicate, and after deceiving one potential buyer, Mr A was convinced that the illegal mineral syndicate was a lucrative business and a quick and effortless way to make money (Inderbitzin *et al.*, 2015:97).
- **The principal part of the learning of criminal behaviour occurs within intimate personal groups:** An individual's contact with their most intimate social companions, such as family, friends, and peers have the greatest influence on their development of deviant behaviour and anti-social attitude (Adler *et al.*, 2013:130). Being part of a criminal syndicate afforded Mr A a chance to be close to criminals and he learned that a mineral syndicate offers a lucrative business over another form of crime and involves fewer risks (Cox *et al.*, 2013:107; Petherick, 2014:283). As a result, he continued recruiting more potential buyers to be deceived.
- **When criminal behaviour is learned, the learning includes (a) techniques of committing a crime, which is sometimes overly complicated and (b) sometimes very simple and the specific direction of motives, drives, rationalisations and attitudes.** Mr A learned that to be successful in selling fake minerals; one needs to have enough knowledge regarding the appearance of the original platinum brick (Delisi & Beaver, 2014:187). This knowledge assisted Mr A to differentiate original platinum from fake bricks. It helped him to easily influence and deceive potential customers into purchasing the fake platinum brick and aided him to ensure that the customers were not given the original platinum brick (Fitch, 2014:147).

- **The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.** In Mr A's case, the motivating factor for the crime was that the mineral syndicate offered more money without involving high risks (ACAMS, 2017:1; The Directorate for Priority Crime and Investigations, 2014:1).
- **A person becomes delinquent because of an excess of definitions favourable to law violation over definitions unfavourable to law violation.** This means that if there is a propensity for breaking the law in society or within a group, it is easy for an individual to also commit a crime (Walsh & Hemmens, 2014:186). Mr A associated with a group that committed crimes and promoted criminal behaviour as they perceived it to be a lucrative way of earning a living, rather than having legitimate jobs (Wallace *et al.*, 2016:4). Ultimately, Mr A joined the criminal group as he was convinced that a precious metal syndicate pays more than being legally employed (ACAMS, 2017:1).
- **Differential associations may vary in frequency, duration, priority, and intensity.** Although Mr A associated with criminals, he took some time to learn how to commit a crime as he owned a small business and this protracted the duration of the learning of criminal behaviour. But, after Mr A learned that he could negotiate with potential customers on his own, he also started searching for potential customers for criminals specialising in housebreaking (Williams, 2012: 276).
- **The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all the mechanisms involved in any other learning.** This means that as much as learning legitimate skills such as establishing a legitimate business (in Mr A's case, establishing a barber shop and a tuck-shop) takes time and practice, committing crime also takes time and practice (Hagan, 2013:167). Mr A also had to learn to lure potential customers and to deceive them into buying bogus platinum bricks (Adler *et al.*, 2013:180).
- **Although criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values because noncriminal behaviour is an expression of the same needs and values.** In summary, it means that needs (having security, food, and shelter) cannot be used as a reason or cause of crime because the same needs can also be

fulfilled by being involved in a legitimate business. Mr A initially provided for his family by legitimately owning a barber shop but later resorted to crime. Thus, Mr A cannot use his family's needs as a reason for his crime (Pschy Yogi, 2014:1).

The second theory used to explain Mr A's criminal behaviour is Robert Sampson and John Laub's Age-Graded theory (1993). This theory is based on the premise that in order to understand the offender's criminal behaviour, he must be studied holistically, from his childhood to adulthood years (Halsey & Deegan, 2015:11). The following are the tenets of this theory that apply to this case (Walsh & Hemmens, 2014:345):

- **Individual traits and childhood experiences are important to understand the onset of delinquency and criminal behaviour.** In Mr A's case the following childhood experiences are identified as contributory factors to his criminal behaviour: poor family relationships, a lack of parental involvement and an inadequate support system, an absent father figure and unresolved childhood trauma of being abducted and forced to join the military at the age of 13 years (Banerjee, 2015:217; Bezuidenhout, 2013:265; Hunter, 2015:404; Krause, 2016:1). These experiences contributed to Mr A's involvement in the crime.
- **Positive experiences in young adulthood and beyond (being employed and getting married) may dissuade offenders from crime.** Mr A's second girlfriend used to admonish him to stop associating with criminals and to stop buying stolen goods, but he would not listen. This means that having an intimate partner who does not promote crime was a positive experience for Mr A, but unfortunately his personality traits, namely a risk-taking attitude and perseverance; lack of respect for authority and the law; lack of empathy for others, a selfish attitude; pro-criminal attitude and lack of conventional norms and values; a sense of entitlement; deceiving and cunning behaviour and criminal association (Martin, 2016:43; Makiwane *et al.*, 2016:200; Simourd *et al.*, 2016:1426; Vijayarasa, 2015:72) resulted in him not heeding the admonishment.

5.2.3.4 Recommendations

Having analysed Mr A's criminal behaviour, the following is recommended to address his criminogenic needs:

- It is recommended that Mr A is further assessed by a psychologist for the possible identification and diagnosis of post-traumatic stress disorder symptoms. Schug and Fradella (2015:295) warn that exposure to traumatic effects such as being abducted, joining the military under duress, and being exposed to gunshots at an early age, can easily lead to post-traumatic stress disorder later in life. Mr A's was exposed to traumatic events and was denied a chance to enjoy his childhood and to establish a relationship with his significant others (parents and siblings) (Miller, 2015:75), and he had to immigrate to South Africa to elude execution. Based on the aforementioned factors (unresolved emotions and trauma), cognitive behavioural therapy is therefore recommended for Mr A, as he has unresolved emotional issues such as traumatic experiences of being abducted and forced to join the military at a youthful age. Cognitive behavioural therapy will also assist Mr A to develop empathy for others, particularly the victims of his criminal behaviour (Miller, 2015:305).
- Despite Mr A denying his crime and him having appealed his sentence and conviction, it is recommended that the offender attend the anger management and economic crime programmes facilitated by a qualified professional, a social worker, or a psychologist. The economic crime programme will assist the offender to realise the ramifications of his criminal actions both on the victims and society at large, while the anger management programme will aid the offender to manage his anger and to take responsibility for his actions (Mehta & Sagar, 2015:112), especially since Mr A admits that he was part of mineral syndicate crime but denies responsibility for the crime for which he is currently incarcerated.
- It is further recommended that Mr A consults with a social worker for further assessment and counselling and be assisted in rebuilding relationships with his children and siblings. Assisting Mr A to rebuild relationships with his significant others (children and his siblings) will provide him with an adequate support system (Tibbetts & Hemmens, 2015:161), that might bestow in him a sense of responsibility to financially provide for his children and thus dissuade him from a criminal association.
- It is also recommended that Mr A be equipped with parenting skills so that he is able to learn the role that a father plays in raising his children and in being a positive role model to his children through guidance and advice, financial support

and protecting his family from any potential harm (Smith, Cowie & Blades, 2015:136).

5.2.3.5 Case Study Two: Mr B

The second case study is Mr B, who is incarcerated for robbery and 16 counts of housebreaking and theft and was sentenced to 30 years and 790 days (running concurrently) imprisonment.

5.2.3.5.1 Crime and Criminality

The offender confirms that he has never been convicted of a crime in his native country. Since his arrival in South Africa (1994), he was never deported for being an illegal immigrant. Although he was an illegal immigrant, he used to visit his home and went through the border post without the mandatory documents. He disclosed that for him not to be arrested he paid bribes to the border officials. Mr B elucidated that *“when officials took my fingerprints at the border post and realised that I am an illegal foreigner, I bribed them with R 20 and they let me go because leaving the country as an illegal foreigner is not as bad as entering that country”*. When returning to South Africa, Mr B jumped over the border fence.

Notwithstanding his violation of South African immigration laws, Mr B only became involved in criminal activities in 1997. His criminality commenced by assisting his criminal friends to collect stolen goods from hiding places after they committed housebreaking. As Mr B got accustomed to collecting stolen goods, he then got involved in the activity of breaking into houses. The first criminal case they were charged with and arrested for was struck from the court roll because the owner of the house (victim) never attended the court proceedings. The victim told the police that since the stolen goods were found and returned to him, he was no longer interested in the case.

The offender was a member of a criminal group of three, including one Mozambican (Zoro) and one South African (Jack), which committed housebreakings in the North West Province at Rustenburg, Koster and Swartruggens. Mr B's and his criminal friends' modus operandi was to break into houses and steal electric appliances and other valuable items. The stolen goods would then be hidden in a bush far away from the crime scene. Two days after the incident, the offender and one of the criminals (Jack) would drive in Jack's pickup van (bakkie) and collect those stolen

goods, which were then sold to people around Rustenburg, and the money was then shared amongst them. Speaking about his crime, Mr B indicates “...*we committed lots of housebreakings, but we were never arrested*”. This is because the police took fingerprints at the crime scenes, and they could not link them to the offender and his accomplices as they are foreigners. Since Jack is a South African, and it would be easy for the police to trace him through his fingerprints left at the crime scenes, Jack was never allowed to enter the crime scene. His work was to collect the stolen goods from whichever area they had been hidden in. The offender emphasised that they never used alcohol or drugs before committing a crime, and they were always sober. The offender and Zoro were in possession of unlicensed firearms which were bought from other criminals.

Pertaining to the sixteenth housebreakings, Mr B explained that they committed a house robbery in Rustenburg, and they found two victims in the house. The victims were tied with a rope, and the offender and his two accomplices took electric appliances and two cell phones. One of their accomplices (Jack) kept the phone for himself and used it with a different sim card. The victim, the police, and the network service provider worked together to trace the phone. According to Mr B, the network service provider informed the police that the phone was using a different number, and they provided the police with the new number.

A female police officer phoned Jack and requested to meet him. She claimed that she once met him at Rustenburg, and he gave her his number. Mr B claims that he was with Jack when he received the phone call and he chastised him and told him not to use that cell phone and not to answer calls from strangers, but Jack would not listen. Jack went ahead to meet with the lady, and he was arrested. He was taken to the police station for questioning. While being interrogated, Jack confessed that Mr B and Zoro were his accomplices. Jack showed the police where Mr B and Zoro were residing. The police arrested Mr B, his fingerprints were taken, and many unresolved housebreaking cases were linked to him. When the police arrested Mr B, Zoro was not around Rustenburg because he had joined another gang to commit a robbery in Thabazimbi (Limpopo Province) and was killed at a crime scene during a shootout with police officers.

Mr B admits to some of the crimes that he was sentenced for. However, he denies others and claims that the police do not have enough proof to link the cases to him.

He reiterates that unresolved cases were included because the modus operandi was like that used by him and his associates when committing a crime.

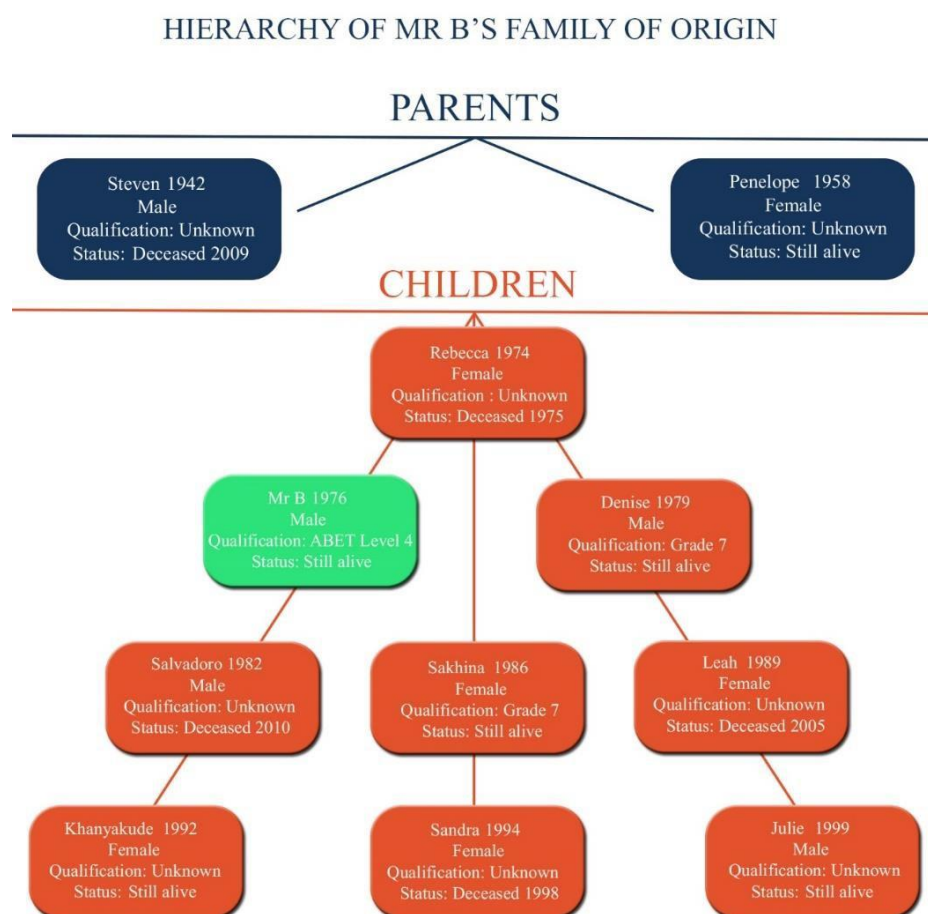
5.2.3.5.2 Mr B's Family of Origin's Background and Developmental History

Mr B was born in 1976 in Mozambique (Mabenxane village), and he is the second born of nine children at his home. Although they are a big family, Mr B explained that his parents treated them equally. The relationship between Mr B and his siblings was incredibly good, as they supported and helped each other to perform house chores. However, Mr B revealed that at times they would have a dispute regarding the house chores as his two younger brothers avoided cleaning the house when it was their turn. Their parents would intervene by reprimanding them. Their parents used corporal punishment as a disciplining method, and Mr B has no problem (i.e. he thinks this is a fair method of discipline) with corporal punishment used as a disciplinary method and he reiterated that his parents punished them 'out of love'.

None of Mr B's siblings has been convicted of a crime. None of his siblings had used drugs and alcohol when they were growing up, but, Mr B explained that prior to his incarceration, Denise (Mr B's second brother) had started drinking alcohol. The offender and his siblings were raised by both of their parents. Growing up under the supervision of their parents, Mr B and his siblings have never been delinquent. However, the offender underscored that his mother was more attached to her daughters while his father was closer to his sons.

The offender mentioned that although they are from the Tsonga tribe, they did not practice the culture (e.g. going to initiation school). Several of Mr B's siblings are deceased. Information regarding his siblings' birth sequence is provided in the diagram below:

DIAGRAM 2: HIERARCHY OF MR B'S FAMILY OF ORIGIN



5.2.3.5.3 Parents Marriage History

Mr B's parents were married, and their relationship was very good, meaning, that according to the offender, "...they cared for and loved each other". Mr B stated that he does not remember his parents fighting or arguing. He notes that *"I think if my parents had an argument, they settled it amicably without us realising that they had a disagreement"*.

5.2.3.5.4 Parental Educational Background and Work History

Mr B's father was born in 1942. Steven attended school, but Mr B does not know which grade his father was when he left school. Steven was a bricklayer, and he owned a small construction company, and he was a hard worker. At times Steven would ask his sons to assist him on certain building projects, and they assisted with menial work by bringing bricks closer to him as he built. His father was the sole breadwinner, and the family had to endure some months without adequate food

particularly when his father's business was not awarded any building projects. To minimise the cost of paying extra employees, Steven often requested his sons to help him with the building projects. According to Mr B, his father always encouraged his children to study hard and to attain education as he told them that he does not want them to conduct hard labour as he did. Assisting their father in the building projects offered the offender and his younger brothers an opportunity to be closer to their father. It also assisted them in learning building skills.

Steven died in 2009 while Mr B was already incarcerated and serving his current sentence. He heard about his father's death days after he was laid to rest. However, Mr B was aware that his father was ill as he had called home earlier. In this regard, he states *"I was really hurt when I heard that my dad is no more and has already been laid to rest. There were many things that I wanted to talk to him about before his death, but as a man, I have learned to let go because I am imprisoned and had no other alternative"*. Regarding his father's death, Mr B articulated that he has healed on his own and he has never consulted any professional for therapy to assist him with dealing with the loss of his father.

Mr B's mother was born in 1958. Penelope has never attended school; she has always been a homemaker and has never worked. Due to Penelope being unemployed, the family survived on Steven's income and the money was not adequate to feed and educate such a big family. According to Mr B, he and his brothers never had a strong bond with their mother as she was more attached to her daughters. Penelope is still alive and resides at her house in Mozambique.

5.2.3.5.5 Parents' Substance Usage and Criminal History

Steven had never been arrested nor convicted of any crime. He had never used drugs, but he was an occasional alcohol user. Mr B explained that his father imbibed alcohol on weekends and smoked cigarettes daily. Steven was not violent when inebriated. On the other hand, Penelope has neither used drugs nor been convicted of a crime, and she is a non-smoker and a teetotaler.

5.2.3.5.6 Access to and Relocation Within South Africa

To escape poverty and unemployment at his home, Mr B illegally migrated to South Africa in February 1994 at the age of 20 years. Before crossing the border to South Africa, Mr B met a fellow Mozambican on the way, and they both travelled to the

border post. They jumped the fence to South Africa during the night and slept overnight in the bush. The following day they walked to Komatipoort and asked for employment on the farms. They were offered jobs and worked two months as farm workers. According to Mr B, their employer also offered them accommodation. After they were paid their second month's salary, they boarded a minibus taxi to Johannesburg, and upon arrival at the Johannesburg taxi rank, they asked bystanders and strangers about the availability of employment in the city. Mr B denotes that *"...we didn't know Johannesburg; it was our first time in South Africa. We asked a woman we met at the taxi rank about job opportunities in Gauteng. We were honest to her that we are illegal foreigners looking for employment. She advised us to search for a job at the farms, especially near Magaliesburg and Rustenburg"*.

Mr B boarded a taxi to Rustenburg alone, leaving his fellow Mozambican in Johannesburg. It was already late in the evening when he got to Rustenburg, and he slept at the taxi rank. The following day Mr B asked a passer-by (Titus) at the taxi rank about work opportunities in Rustenburg. Fortunately, that passer-by (Titus) was also from Mozambique and spoke the same language (Xitsonga) as the offender. Titus was employed by Mr Brown, who owned a fleet of trucks to transport waste products and unprocessed minerals from the mines. Mr Brown's company was based in Kroondal (outside Rustenburg). Titus advised Mr B that he should accompany him to his work, and he would request Mr Brown to offer Mr B a job. Mr Brown kindly employed Mr B upon exchange of greetings and introduction.

As already mentioned, Mr B cited that poverty and unemployment were driving forces for him to relocate to South Africa. He emphasised that *"...lack of work opportunity and the fact that Mozambique had just recovered from the civil war that began in 1977 and ended in 1992, I thought coming to South Africa was a better option. I was also encouraged by Mozambicans who were already in South Africa, and when they were home (in Mozambique), one could see that they are living decent lives"*.

5.2.3.5.7 Educational Background, Achievements and Leadership of the Offender

Prior to his incarceration, Mr B left school at a primary school level (Grade 4). During his primary school years, he played soccer and participated in athletics (running).

The offender never received any medals or award for exceptional performance in sports. In Grade 2, the offender was performing well academically, and his class teacher even called his parents to school to inform them that their son was academically gifted. Mr B failed Grade 3 because there was a civil war in Mozambique and his parents kept him at home as schools were also attacked. In Grade 4, he was nominated as a class monitor. Mr B got along very well with his teachers and his fellow learners.

Nonetheless, Mr B befriended anti-social friends during his youth (at the age of 10 years). He mentioned that he and his childhood friends were naughty as they would steal sugar-cane from the field they passed on their way to school. The owner of the plantation once caught them and gave them a hiding. Apart from this incident, the offender has never been involved in delinquent behaviour. He never used alcohol and drugs, and he never smoked as a youth. Due to the civil war in Mozambique, Mr B quit school in Grade 4, and he never went back to school again.

5.2.3.5.8 Mr B's Intimate Relationships

The offender is not married but has been involved in two intimate relationships. He is the father of two children (a girl and a boy) from two different South African women (his first girlfriend, Lucia and his second girlfriend, Edna). Adequate information regarding the offender's intimate relationships and his children is provided below:

First intimate relationship: Mr B started dating his first South African girlfriend (Lucia) in 1996. They met each other in Rustenburg. Lucia was born in 1977. She has never used alcohol or drugs. Furthermore, she has never been convicted of a crime or been arrested. Mr B stated that Lucia is in possession of matric though he had not seen her matric certificate.

Mr B and Lucia have a daughter who was born in 1997. Their daughter currently resides with Lucia, and the offender has no contact with them. Lucia left for her home in the Eastern Cape in 1997, and she never went back to Rustenburg. Lucia left while the offender was at work and she never informed Mr B that she was leaving. According to Mr B, although Lucia left without informing him, they had not fought or had a disagreement the previous night. When probed for more information regarding their relationship, particularly the reason why his girlfriend left without

informing him, Mr B described Lucia as a disrespectful woman who did not want to listen to him and denied that he abused her.

Mr B never spent time with his daughter because Lucia left when the child was one month old. Mr B had the landline telephone number of Lucia's home, and he called them to establish her whereabouts, and she was indeed at her home. In 1997, cell phones were a rare commodity and expensive. Thus Mr B and Lucia had none. Their communication was only through landline, and after telephones were upgraded in 1997, they lost contact.

Second intimate relationship: In 2000, Mr B dated another South African woman named Edna. Edna was born in 1980 and had a matric. In 2001, Edna was convicted of theft after being found stealing from a store in Rustenburg. She was sanctioned to a fine of R800 which Mr B paid. Edna is a non-smoker and a non-alcohol user. Prior to the offender's incarceration, Edna was not employed, but Mr B revealed that he has heard that she is currently working as a security officer at one of the mines in Rustenburg. The offender has lost contact with his girlfriend, and she rejected him because she feels that the offender could have avoided committing a crime and learned from her that crime does not pay.

Mr B and Edna cohabitated, and she gave birth to a baby boy named Gift in 2002. According to Mr B, he and Edna got along very well, and they had no conflict. Edna was financially dependent on Mr B as she was unemployed. However, Mr B never had an adequate relationship with his son because Gift was only two months old when Mr B was sentenced.

5.2.3.5.9 Mr B's Denomination

The offender explained he was raised in a Christian family. His family were members of the Twelve Apostolic Church and his parents ensured that every Sunday he and his siblings attended church. When he arrived in South Africa, he started a fellowship at the same church in Rustenburg, but he attended the church services sporadically. Although he was raised in a Christian family, the offender is not really attached and committed to the beliefs of Christianity and does not attend church at the correctional centre.

5.2.3.5.10 Work Experience

After dropping out of school, Mr B stayed home and at times helped his father with building projects. In 1993, at the age of 19 years, the offender boarded a taxi from his village (Mabenxane) to Maputo, where he worked in garden services. He indicated that the relationship between him and his employer was very good although his employer was very rude at times, reminding him that he did him a favour by hiring him, particularly that he was uneducated, and had no gardening work experience. He only worked for nine months and quit his job. Mr B cited low salary as a reason for abandoning his job.

While working in a truck/transportation company at Rustenburg in 1994, his duties ranged from fixing punctured tyres to cleaning trucks and the yard. When his employer requested bank account details for his salary to be deposited, Mr B was honest with his employer that he was an illegal foreigner and was ineligible to have a bank account in South Africa because banks require a valid passport and work permit from the DHA to open a bank account. Unlike other employees, Mr B could not be paid through the bank, and he agreed with his employer that he would be paid in cash every month. He had a good relationship with his employer and with his fellow colleagues. However, the offender was always complaining to the manager about his salary because it was too little to sustain him, his first child and girlfriend, and his family of origin in Mozambique. He earned R249 per month. He rented a shack for R180 and had an unemployed girlfriend to support financially. The manager never wanted to increase his salary, so he searched for another job. In 1996, he secured another job at a thatch roofing company and officially quit working at the transportation company.

Mr B obtained sewing skills working with his father on building projects and was hired at a thatch roofing company to sew the roofing grass after it was placed on trusses. He had a good relationship with his employer and his colleagues, and he was paid R80 a week. He started drinking alcohol and befriended criminals that he met through drinking alcohol. His salary became insufficient to cater for his family's needs, and he again felt that he was underpaid. The criminals that he befriended bragged to him that they make more money through their crimes, while he worked hard.

One day the offender was absent from work, his criminal friend requested him to help him to collect the stolen goods that they had hidden in the bush after committing a housebreaking and Mr B accompanied him. They stole lots of items, especially electric appliances which they sold for a lot of money. The offender was convinced that crime paid more than his job. In 1997, Mr B started committing crimes but alternated his criminal involvement with his job. He quit working in 1999 and joined his criminal friends. Thus, he worked for four years at the thatch roofing company.

5.2.3.5.11 History of Substance Abuse

Mr B mentioned that he started drinking alcohol in 1997 after his first girlfriend (Lucia) left him. He admitted that alcohol helped him to deal with the stress of being left by his girlfriend. He drank alcohol on weekends and only when he had been paid. Through drinking alcohol, he met his criminal friends. Mr B never used drugs outside the correctional facility. However, he admitted that the same year that he was admitted at the correctional centre (in 2003), he started smoking dagga (marijuana) inside the correctional centre. As a maximum offender, housed at a maximum unit he smoked dagga. He quit smoking dagga in 2009 when he was reclassified as medium risk and transferred to the medium unit. Mr B never smoked cigarettes prior to his incarceration, but he admits that at times he did smoke when stressed about being incarcerated without communication with his children. He is not on any medication and has never been diagnosed with any disease. Apart from smoking dagga, he has not used any other drugs.

5.2.3.5.12 Support During Incarceration

The offender currently has no contact with his family (his siblings and his mother). He previously used to call his family when he was offered a phone card by other inmates but has lost his siblings' and his mother's contact details. No one visits Mr B, and he cannot afford toiletries. Mr B survives on hand-outs from other offenders and also items (soap, toothpaste and toothbrush) offered by the DCS to offenders.

Mr B has a Mozambican cousin who is a legal immigrant in South Africa, and he is based and works in Johannesburg. Mr B has his cousin's contact number, but since he has no means to contact him, he cannot call him. Previously, Mr B was given a phone card by another inmate, and the card had two Rands (R2) remaining, and he phoned his cousin. He just wanted to check if his cousin's phone numbers were

working. His cousin answered the phone and Mr B attempted to explain his whereabouts and the correctional centre in which he is incarcerated, but the phone card ran out of minutes.

His cousin had no means to return the call because Mr B is incarcerated. Since Mr B has his cousin's phone numbers and his cousin resides in South Africa, the researcher referred the matter to a social worker to assist the offender in establishing contact with his cousin.

Apart from his cousin, the offender also has a Mozambican friend (Jonas) who is a legal immigrant and employed at the Impala Platinum Mine in Rustenburg. However, his friend has changed his contact numbers, and Mr B cannot communicate with him. He alleges that his friend betrayed him. During the first year of Mr B's incarceration, Mr B's family gave Jonas R 1500 to give to the offender when he visited him. Jonas visited Mr B and only bought him a small packet of sugar to the value of R 30 and kept the bulk of the money for himself. Several weeks after Jonas' visit, Mr B called his home, and his mother informed him that R 1500 was sent to him through Jonas. Mr B called Jonas and asked him what happened to the rest of the money he was given by Mr B's family. Jonas dropped the phone call. Since their last conversation, Jonas has changed his phone number, and Mr B cannot contact him.

To ventilate the frustration and hurt of being betrayed by a friend while imprisoned, Mr B states:

“...my friend betrayed me, and I cannot rely on him or expect him to visit me. I have called him several times, and he took me from pillar to post, and I felt that he regards me as a fool. I realised that I was hurting myself by calling him because I am serving a sentence, and he betrayed me. We used to stay together in Rustenburg North, but I have heard that he has been promoted at his work and he has relocated to a better apartment”.

To survive the hardship of serving a prison sentence without being visited, Mr B applied his sewing skills to shoe repair after he witnessed a fellow inmate repairing shoes. Mr B repaired shoes for other inmates, and they paid him with toiletry items such as body-spray and bath-soap. However, since repairing shoes require needles, this poses a security risk in a correctional centre, as needles could be used to hurt other offenders or correctional officials. The needles were confiscated from Mr B,

and he was reprimanded and told that should he be found with the needles again; he will be charged with breach of security of a correctional centre.

Mr B claimed that he once negotiated with the unit manager of his section about the possibility of him being given a space somewhere in the section where he could continue making use of his shoemaking skills, but his request was declined.

5.2.3.5.13 Behaviour During Incarceration

Since his imprisonment, Mr B has no further criminal cases or disciplinary charges against him. He is not involved in any gang activities at the correctional centre. Previously, he spent his spare time repairing shoes for other offenders, but since he was reproached for having needles in the cells, he resorted to cleaning the courtyard inside the correctional centre.

5.2.3.5.14 Qualifications Obtained While Incarcerated

After being sentenced, Mr B continued to study, and he has completed ABET level 3, and he is currently studying for ABET level 4.

5.2.3.5.15 Involvement in Professional Therapy, Rehabilitation Programmes and Future Plans

The offender has never received individual therapy from social workers, psychiatrists, or psychologists. He has not attended a psychological programme during his incarceration. Furthermore, Mr B has not attended any social work programmes rendered to offenders at the correctional centre. However, Mr B completed anger management, life skills and HIV/AIDS programmes.

When Mr B was asked what motivated him to attend the programmes, he mentioned that he knew he exhibited anger due to the frustration of being paid insufficient money that resulted in him being disgruntled and turning to crime. While incarcerated, he then decided to attend an anger management programme so that he can handle his anger.

Mr B explained that he attended life skills and HIV/AIDS programmes to gain knowledge in order not to discriminate against those infected by the disease. The offender has no short-term plans but submits that when he is deported back to Mozambique, he would like to explore the possibility of starting his own car wash business. Nonetheless, he has no business skills.

5.2.3.6 Criminological Evaluation and Analysis of Mr B's Behaviour

In this section, Mr B's behaviour, causes, contributory factors and motives of his behaviour are identified, and ultimately, his needs and risks are determined.

5.2.3.6.1 Causes of Mr B's Criminal Behaviour

The following are causes of Mr B's criminal behaviour:

- Lack of morals and values: Mr B lacks morals and values; he decided to quit his work and joined a criminal gang that committed housebreaking. Green (2017:1) cites that people who lack morals are more inclined to commit a crime as they often view the rewards crime as more lucrative. Mr B's lack of moral values is further portrayed by his inclination to pay a bribe to the border post officials to be allowed to cross back to Mozambique. This clearly indicates that the offender is manipulative and has no regard for the rule of law, as he is convinced that paying a bribe allows one to act with impunity. Bribery and corruption erode the rule of law and make offenders act with impunity (Betz, 2017:160; Nichols & Robertson, 2017:230).
- Risk-taking and challenging behaviour: Mr B tends to engage in risk-taking behaviour. His risk-taking tendency is evident in the fact that he had the courage to sleep in the bush the night before he crossed the border post to South Africa, without fear of arrest or being attacked by snakes and wild animals. Furthermore, he had the courage to travel to Johannesburg and Rustenburg without knowing anyone in both cities. He also approached potential employers requesting work aware that he might face possible arrest if the potential employers informed the police. This risk-taking behaviour aided Mr B to associate with criminals easily and to join them in their criminal activities. Risk-taking behaviour is often a precursor of committing a crime (Rostami, Mondani, Lijeros & Edling, 2017:10). Mr B's risk-taking tendency is further illustrated by his courage to approach border post officials knowing that he did not have a valid passport - he relied on his manipulative attitude and by paying a bribe. Betz (2017:160) and Dhami and Mandel (2012:389) cite that people with a risk-taking attitude are more inclined to take risks even in circumstances that are unlawful. This is the case with Mr B. Although he knew he faced arrest at the border post for being an illegal foreigner, he approached the immigration officers and offered them a bribe.

- Pro-criminal attitude: Mr B portrayed a pro-criminal mindset. He offered bribes to border post officials to allow him to cross over to Mozambique without being arrested for contravening South African immigration laws. Due to Mr B's pro-criminal mindset, he was easily enticed by the lucrative proceeds of crime, particularly when his criminal friends bragged about the amount of money, they gained from selling stolen goods. Individuals with pro-criminal attitudes are easily influenced to join criminal activities, and they are more likely to re-offend (Banse *et al.*, 2013:3; Evans, 2017:15).
- Susceptibility to criminal influence from peers and criminal association: Mr B is susceptible and amenable to commit a crime, and his susceptibility to criminal influence could be traced back to childhood. While growing up in Mozambique, Mr B befriended anti-social friends, and together they would steal sugar-cane from a plantation on their way from school. Susceptibility to criminal influence, and associating with deviant peers at an early age, increases an individual's chance of committing a crime as friends shape their behaviour (Rokven, De Boer, Tolsma & Ruiter 2017:699). As an adult, Mr B succumbed to peer pressure after he was enticed by the proceeds of crime. Mr B quit his job to focus on committing crimes and joined his criminal friends who specialised in housebreaking. Therefore, susceptibility to recalcitrant behaviour, criminal influence and the criminal association are highlighted as one of the causes of Mr B's criminal behaviour. Criminal influence and association are underscored as causes of crime because the earlier the association is made, and the more time an individual spends with criminal peers, the higher the chance of offending (Esiri, 2016:10; Rokven *et al.*, 2017:700).

5.2.3.6.2 Contributory Factors of Mr B's Criminal Behaviour

Below are the contributory factors associated with Mr B's case:

- Poor family bonds and poor family involvement: Mr B was not remarkably close to his mother and sister, and he and his brothers only had a relationship with their father when they assisted him with building projects. According to Carlson (2012:44), lack of family involvement and a weak bond amongst family members has negative consequences on an individual's behaviour. These authors state that a family is an institution where conventional values

and norms are taught and transferred from one generation to the next, and a good family relationship ensures the transmission of those values and norms. It is further argued by Siegmunt (2016:15) that children with poor parental bonds are inclined to display anti-social behaviour, and they may later commit a crime. Mr B's case corroborates this as he was not close to his mother, he associated with anti-social friends as a child, and when in South Africa he associated with criminal friends.

- Limited education: Prior to his incarceration, Mr B quit school in Grade 4 citing the civil war in Mozambique as the reason for leaving school at such an early age. Bui (2017:2) noted that poor school performance and a lack of education are associated with youth delinquency and crime. Corroborating this, Rocque *et al.* (2017:594) argue that dropping out of school renders an individual unemployable to well-paying organisations and is a precursor to criminal involvement. Indeed, this has been the case with Mr B. He was employed at a transport company, and he was paid R 249 per month, but his illegal exacerbated his work circumstances as he could not open a bank account as he had no valid documents (passport and work permit). Being destined for a low paying job and a life of poverty due to his lack of qualification, Mr B changed his work. Nonetheless, a better salary (R 80 per week) from his new employer only offered a temporary relief as he started drinking alcohol and befriending criminals. Due to his illiterate educational background, he was unable to realise that drinking alcohol will reduce his salary and his ability to support his family and that befriending criminals would easily lead him to commit a crime. Summing up the importance of education in an individual's life, Champion (2013:34), Pyrooz (2014:60) and Taylor (2016:6) aver that education affords individuals the ability to evaluate their decisions carefully and this might dissuade them from committing a crime. Unfortunately, due to his lack of education, Mr B lacked the ability to evaluate the impact of his actions. Siegel and Bartollas (2016:250) and Siegel (2016:225) enunciate that education assists offenders to lead crime-free lives and aids them to remain outside correctional facilities.
- Poor intimate relationships: Mr B displays an inability to maintain intimate relationships. Grossman (2018:1) mentions that childhood experiences such as child abuse, and poor parental and family bonds are the best indicators of

why individuals fail to maintain intimate relationships. As previously stated, Mr B was never close to his mother and sister. Focusing on his intimate relationships, Mr B's relationship with Lucia from the Eastern Cape only lasted for a year (1996-1997). Lucia moved back to the Eastern Cape without informing the offender, and they have lost contact. However, Mr B denied that there was a conflict between them although Lucia left without informing him. Instead, he described Lucia as disrespectful. This clearly depicts that Mr B believes in a patriarchal society where women are compelled to submit to their husbands. In a patriarchal society, women are viewed as being inferior to men and thus must be submissive, whilst men are viewed as the heads or leaders of their families (Facio, 2013:3). Corroborating Mr B's inability to sustain intimate relationships is a failed relationship with his second girlfriend (Edna), which was cut short by Mr B's conviction and sentence.

- Substance abuse: Mr B drank alcohol, and the use of alcohol played a pivotal role in committing a crime, as the crimes were committed in a team. Carlson (2015:18) and Schutt (2015:103) state that in most criminal cases, substance abuse contributed towards the commission of a crime. Mr B's substance abuse is also proven by his tendency to use substances when he is confronted by stressful situations. He started drinking alcohol after his first girlfriend left him, and he met his criminal friends through drinking alcohol. Furthermore, Mr B started using dagga after he was sentenced and admitted to a correctional centre. At the time of Mr B's admission in a correctional centre, the use of dagga was a criminal offence. Although a recent unanimous Constitutional Court judgement declared the arrest and prosecution of an adult person for planting dagga for personal use in private, unconstitutional; the use of dagga in a correctional centre is still considered a criminal offence because correctional centres are public institutions (Engelbrecht, 2018).
- Poor coping mechanism and stress management: Mr B depicted a lack of coping mechanism and stress management. His poor coping mechanism is portrayed by his inclination to resort to substance abuse; he started drinking alcohol when his first girlfriend left him. He also began to use dagga when he was admitted at a correctional centre. According to Preston, Kowalczyk, Phillips, Jobes, Vahabzadeh, Lin, Mezghanni and Epstein (2018:1), poor

coping mechanisms, and an inability to manage stress are well established contributing factors to the use and relapse into substance abuse.

- Neutralisation, rationalisation, and minimisation behaviour: Mr B neutralised his behaviour as he stated that he joined criminal activities because the jobs that he held prior to committing the crime were not paying him enough to provide for his family financially. Nicholson and Higgins (2017:17) mention that offenders who rationalise and minimise their behaviour often offer excuses for their involvement in crime and regard their excuses as adequate reasons to be exonerated of guilt. Mr B also felt that he deserved more pay so that he could afford a better lifestyle. When he was denied an increase, he turned to crime as he regarded it as a lucrative business. Adding on this, Schmallegger (2014:105) states that offenders are oftentimes amenable to join criminal activities because they consider the proceeds of criminal activity as lucrative.
- Lack of responsibility and lack of remorse: Mr B showed no remorse and denied responsibility for the crimes committed. According to Hungerford-Welch (2014:247) and Terblanche (2016:200), lack of responsibility and lack of remorse render an offender susceptible to commit further crimes. Mr B denied other housebreaking cases, and he claimed that the police do not have substantial evidence to link the cases to him. He restated that unresolved cases were included because the modus operandi was similar to the one they used when committing a crime.
- Poor insight and understanding of their own behaviour: Mr B lacked an understanding and has no insight regarding his criminal behaviour. He attributed his crime to poverty and being paid a small salary. He failed to realise that his lack of education, and being an illegal foreigner impeded him from securing a well-paying job. Geldenhuys (2018:20) explains that most illegal foreign offenders in South Africa have limited education, or lack education and therefore must compete with the majority of the uneducated South Africans for unskilled work opportunities. Being uneducated resulted in Mr B being paid less and, witnessing his friends living a better life through crime, convinced him that 'crime pays' and he joined them in committing housebreaking. Farrington (2015:390) cites that low academic achievements, poor socio-economic circumstances (low income) and criminal association are

the main risks and motives for offending and reoffending behaviour. Mr B displayed no insight into his alcohol abuse and associating with criminals, which facilitated his criminal involvement. Offenders with a lack of insight and understanding are unable to identify circumstances that contributed to their criminal behaviour (Hesselink & Booyens, 2014:12).

- Pro-criminal attitude and thinking patterns: Although the offender has no documented mental and physical disability that affects his thinking ability, he was amenable to join criminal activities if they yielded profits. Fostering a pro-criminal attitude made the offender easily susceptible to associate with criminal peers, and his pro-criminal attitude was reinforced by the profits he gained from selling stolen goods. Pro-criminal attitude and thinking patterns galvanise criminal association and make an offender vulnerable to criminal influence (Grobler & Hesselink, 2015:32).

5.2.3.6.3 Motives for Mr B's Criminal Behaviour

The following are motives associated with Mr B's criminal behaviour:

- Greed and a sense of entitlement: Mr B presented a lack of self-control and appreciation of kindness in being offered a job despite him being an illegal foreigner, and he displays a sense of entitlement. Edwards (2017:1) cautions that being offered work out of generosity often creates dependency and a sense of entitlement for the recipients. This is the case with Mr B - despite knowing very well that he is uneducated and an illegal foreigner who was hired out of generosity, but he abused alcohol and regarded his salary as too low. A sense of entitlement in individuals leads them to believe they deserve more and better than others because society knows that they are poor and in an unfortunate predicament (Luna, 2017:1). Mr B's sense of entitlement at his first job was demonstrated in the fact that he felt underpaid and requested his employer to increase his salary. He searched for another job when he was denied an increase. Due to his sense of entitlement, and a hankering for an improved lifestyle, Mr B still felt that he was underpaid at his second job, and eventually, he quit working and resorted to criminal activities.

5.2.3.7 Mr B's Criminogenic Needs and Risks of Reoffending

In this section, the offender's needs are identified, and then later, the risks for reoffending are determined.

5.2.3.7.1 Criminogenic Needs

Below are the identified criminogenic needs linked to Mr B's behaviour:

- Lack of support from family members and significant others: The effect of lack of attachment between the offender and his siblings is reflected by their inability to offer him emotional support or to make some means to visit or communicate with him. Serving a period of incarceration without family support or support from significant others makes imprisonment unbearable for any offender (Gouws, 2015). Support from the family and significant others offers an offender hope that the world outside still cares about him and needs him, and this encourages the offender to behave positively and dissuades him from reoffending (Carlson, 2015:233). It is thus imperative that the offender is assisted by a social worker to re-establish contact with his family. However, it might not be possible to trace Mr B's family due to them residing outside South Africa. The offender may be assisted to re-establish contact with his cousin, who is legally in South Africa so that he can visit him and keep him abreast of developments with his family in Mozambique. It is also important that Mr B is assisted in building a relationship with his children as this might assist to cap a perpetual cycle of crime running from one generation to the next (Siegel, 2016:69). Children of incarcerated parents - particularly fathers - are more likely to develop behavioural and emotional problems such as anger, substance abuse and academic problems which may lead them to engage in criminal activities later in life (Ferris as cited in Silton, 2017:318). Also, Houghton and Navarro (2014:22) suggest that a relationship between an incarcerated parent and his children should be nurtured to ameliorate the risk of them engaging in criminal activities later in life.
- Lack of skills (education, employability, and communication): Mr B displayed a limited educational background, and this resulted in him not being able to secure well-paying employment. A lack of skills and education render an individual unemployable, whilst attaining vocational skills and education enhance personal development, employment abilities and desistance from

crime (Champion, 2013:34; Pyrooz, 2014:60; Taylor, 2016:6). Mr B's lack of perseverance and communication skills are demonstrated by his decision to quit his work after his employer declined his request for a salary increase. Instead of working hard and being diligent in convincing his employer that he deserved an increase, Mr B decided to look for another job. Mr B's lack of communication is further portrayed by his inability to maintain interpersonal relationships. Interpersonal relationships are vital in positive and noncriminal relationships and for ensuring desistance from crime (Barnes, Golden, Mancini, Boutwell, Beaver, & Diamond 2014:235; Hunter, Skrine, Turnbull, Kazimirski & Pritchard, 2013:2).

- Manipulative behaviour, lack of norms and values: Mr B is manipulative, and this needs to be addressed either through individual or through group therapy. Manipulative attitudes (such as offering bribes) increase an individual's risk of relapse into crime (Carlson, 2015:46).
- Susceptibility to criminal influence and criminal associations: As mentioned earlier, the offender is susceptible to criminal influence and criminal association as he was easily amenable to leave his thatch roofing job to join a housebreaking gang. To lessen Mr B's risk of reoffending, criminogenic needs (susceptible to criminal influence and criminal association) have to be addressed (Haqanee & Peterson-Badali, 2015:46; Lantz & Hutchison, 2015:66).
- Pro-criminal attitude and thinking patterns: Mr B exhibited a pro-criminal attitude and thinking pattern, and this is evident in the fact that he used bribery to circumvent arrest for being an undocumented illegal foreigner, and his pro-criminal mindset resulted in him associating with criminals. Banse *et al.* (2013:680) and Siegel (2016:226) pronounce that pro-criminal attitude and thinking patterns stimulate association with criminal peers and, as a result, a person's probability of engaging in criminal behaviour is intensified.
- Disrespect for the law: Mr B has no respect for law and order; he paid bribes to immigration officers to circumvent arrest for being an undocumented illegal foreigner. Mr B's lack of respect for the law is also depicted by his willingness to quit his job and lead a criminal life. According to Palmiotto (2013:68) and Redmayne (2015:80), people with a lack of regard for law and order view crime as a lucrative business.

- Substance abuse: Mr B abused alcohol after his first girlfriend left him, and he started smoking dagga when he was admitted to a correctional centre. He admitted that he smoked dagga on a daily basis when he was still classified as a maximum offender to cope with the stress of imprisonment. As state previously, the use of dagga in a correctional centre is prohibited. Substance abuse is highlighted as a criminogenic need that must be addressed during incarceration because if not well addressed, the offender can easily relapse to its use, and this will then increase his likelihood of reoffending (Grieger & Hosser, 2014:621; Prinsloo & Hesselink, 2015(b):2; Walters, 2014:12).
- Coping, stress management and decision-making skills: An inability to cope with stress and resorting to drugs are criminogenic needs and Mr B needs to be assisted with his substance abuse tendency. Timko, Booth, Han, Schultz, Blonigen, Wong, and Cucciare, (2017:115) and Wooditch *et al.* (2014:280) found that a lack of coping mechanisms and stress management skills is associated with substance abuse and reoffending. Mr B must be taught stress and financial management strategies and noncriminal decision-making skills to manage stressful situations (i.e. relationship problems), without using drugs or resorting to crime.
- Lack of insight into the behaviour and lack of empathy for his victims: Mr B showed no remorse for his criminal behaviour, and he lacks victim empathy. Offenders with a lack of remorse for their crimes have no regard for their victims, and they are more likely to re-offend (Fox & Levin, 2015:75; Neville, Gallardo & Wing Sue, 2016:175). Mr B denied some housebreaking cases and claimed that the unresolved cases were included in his trial due to their similarities in modus operandi.
- Cognitive deficits (neutralisation, rationalisation, and minimisation of behaviour): Mr B displayed no insight regarding his criminal behaviour, and he attributed his crime to poverty and not being paid adequately. Neutralising and rationalising display a total lack of insight and understanding of an individual's own behaviour, and this is linked to probable reoffending because the offender is unable to foresee the consequences of his behaviour (Grieger & Hosser, 2014:619; Hesselink & Booyens, 2014:12; Thomas, 2019:7).

5.2.3.7.2 Risks of Reoffending

The following are identified as risk factors that may influence Mr B to re-offend:

- Lack of support, poor family bonds and contact: Inadequate or lack of family support while incarcerated are cited as one of the risks for committing further crimes in a correctional centre, or committing suicide (Du Preez, Steyn & Booyens, 2015:30) as the offender might feel rejected and alienated. Mr B's last received a visit in 2003 when his former girlfriend (Edna) visited him. Edna despised and rejected Mr B for committing a crime. Thus, Mr B has no relationship with his children. Regarding support from his mother and siblings, the distance, and serving a sentence in a foreign country, seem to be impeding factors for them to visit Mr B. According to Betar (2012:1) and Gouws (2015), foreign offenders serving sentences of imprisonment in South Africa, are often faced with the challenge of not receiving visits from families and significant others because of the exorbitant travelling costs their families have to incur.
- Lack of education and limited skills: Lack of education and limited vocational skills are mentioned by Rocque *et al.* (2017:594) as risks for relapsing to crime. Although Mr B is studying towards an ABET level qualification, he has no formal education and no vocational skills apart from thatch roofing, which he obtained prior to his incarceration. Therefore, if Mr B has not been equipped with any vocational skills while serving his sentence, it will be exceedingly difficult for him to secure employment post-release. Bui (2017:1) and Swisher and Dennison (2016:862) caution that offenders not equipped with education or vocational skills whilst serving their imprisonment, often face a challenge securing employment and thus exacerbates their chance of reoffending.
- Pro-criminal attitude and susceptibility to criminal influence: From an early age, the offender has always been susceptible to criminal influence, he and his peers used to steal sugar-cane from a plantation and only stopped after the owner caught and punished them. His susceptibility to criminal influence continued beyond his childhood, as he was easily convinced by his friends that crime pays more than legitimate work. According to Walsh and Hemmens

(2014:154-155), offenders with susceptibility to crime, and a pro-criminal attitude are more inclined to re-offend.

- Lack of victim empathy and lack of insight in behaviour: Offenders with lack of insight and lack of empathy are at risk of reoffending because they are unable to place themselves in the victims' position (Simourd *et al.*, 2016:1441). Adding on this, Dooreward *et al.* (2015:41) articulated that offenders without insight about their behaviour are a risk for reoffending because they always blame others and are oftentimes inconsiderate of their victims. Mr B is very inconsiderate for his victims' monetary losses, and he denied the other cases of housebreaking. Furthermore, he lacked insight into his crime and attributed it to poverty and an inadequate salary.
- The sense of entitlement: As already alluded, Mr B exhibited a sense of entitlement. He requested an increase in salary, and when his request was declined, he quit the job and joined another company. Although he secured a new job with a better salary, he still felt that the salary was not enough, and he then joined his criminal friends. Mr B's sense of entitlement is further portrayed by his expectation to earn a good salary without having an education, skills, and experience. Taylor (2014:70) reiterates that an inflated sense of entitlement is a criminogenic need, and if untreated, it may enhance criminal involvement.
- Substance abuse: Mr B displayed a history of substance abuse, and this is a risk for relapsing to crime. Mr B cannot cope with stress and disappointment. When stressed, he resorts to drugs. When his first girlfriend (Lucia) left unannounced, Mr B was hurt and stressed, and he started drinking alcohol. After he was sentenced to imprisonment, he was stressed; he started smoking dagga whilst accommodated at the maximum housing unit. An inability to cope with stress and resorting to the use of drugs are highlighted as risks for reoffending (Young, 2014:318). Siegel (2016:504) also denotes that substance abuse is linked to anti-social and criminal behaviour. Dagga is contraband inside a correctional centre. Thus Mr B breached the security protocols of the DCS by possessing and smoking dagga. Therefore, if he can violate the security protocol whilst incarcerated, it might be easy for Mr B to violate his parole conditions.

- Criminal association and history of criminal involvement: Associating with criminals increase one's risk of reoffending (Whited *et al.*, 2017:493). Mr B associated with criminals and his crimes were committed in group-related activities. Criminal association and a history of criminal involvement exacerbate a person's chance of relapsing to crime (Lantz & Hutchison, 2015:660). Thus, should Mr B rekindle his relationship with his criminal friends; his risk of reoffending will be intensified. Apart from criminal reinforcement, his former girlfriend (Edna) was convicted of theft (shoplifting) and was sanctioned to a fine of R800. Tibbetts and Hemmens (2015:298) and Zoutewelle-Terovan *et al.* (2014:343) state that association with criminal peers, and with an intimate criminal partner exacerbates the risk of recidivism.
- Neutralisation, rationalisation, and minimisation behaviour: Mr B neutralised his behaviour and stated that he joined criminal activities because he was not well paid. Rationalising behaviour by offering excuses for one's criminal behaviour increases one's risk of reoffending because it shows that the offender has no remorse for his crime (Hesselink & Booyens, 2014:12; Nicholson & Higgins, 2017:17; Thomas, 2019:7).
- Risk-taking and challenging behaviour: Mr B portrayed a tendency to engage in risk-taking and challenging behaviour. He had the courage to sleep in the bush the night before he crossed the border post to South Africa. Furthermore, he had the courage to approach potential employers asking for jobs aware that he faced possible arrest. He also displayed the audacity to offer a bribe to border post official. Rostami *et al.* (2017:10) aver that risk-taking behaviour attracts criminal association, and this exacerbates criminal involvement and reoffending.

5.2.3.8 Theoretical Explanation of Mr B's Criminal Behaviour

The two appropriate criminological theories to explain Mr B's criminal behaviours are Elliot *et al.*'s Integrated Theory (1979) and Braithwaite's (1989) theory of Reintegrative Shaming. The premise of Braithwaite's theory is that crime and recidivism are influenced by the way society shames perpetrators (Siegel, 2016:278).

Focusing on Elliot's theory first, the tenets of the Integrated theory of delinquency explain that limited or blocked opportunities and a subsequent failure to achieve

cultural goals (education, status, wealth, power and social acceptance) would weaken or even destroy bonds to conventional or social order (Adler *et al.*, 2010:179; Murray & Topalli, 2014:10). Mr B lacks adequate family support, and he could not complete his education. He attempted to escape poverty by illegally relocating to South Africa. When in South Africa, Mr B attempted to settle by finding employment, but he felt that the money he was paid was inadequate. Being an illegal foreigner and being uneducated diminished his chance to secure employment in the formal sector. Thus, he ended up in poverty as he was in his native country. When he relocated to South Africa, he had hoped that life would be better, but much to his chagrin, he realised that it is not as easy as he thought. Elliott and his colleagues postulated that limited or blocked opportunities (unemployment, illiteracy, and inability to attain financial success) are experiences that would weaken or even destroy bonds to conventional order (Burke, 2014:300). Mr B succumbed to poverty by quitting his low paying job, and he associated with criminals. Mr B was convinced that his criminal friends profited from crime. As strain (poverty, unemployment, and illiteracy) weakens social bonds (legitimate employment and abiding by law) with conventional peers and association with delinquent peers intensifies, the probability of delinquent behaviour is high (Bernard *et al.*, 2010:328; Tibbetts, 2015:440).

Braithwaite's theory of Reintegrative Shaming also explains the circumstances that could possibly influence Mr B to re-offend. Braithwaite's theory suggests that offenders that are rejected and not supported are vulnerable to source support from other criminals and are thus at risk of reoffending (Cochran, 2013:4; Siegel, 2016:278). Mr B lacks a support system, and he was rejected by his girlfriend. He currently survives on handouts from other inmates. Braithwaite terms lack of support and unwillingness of families and significant others to embrace offenders and assist them in reforming, as 'disintegrative shaming' (Miles & Raynor, 2014:185; Tibbetts & Hemmens, 2015:477). This is exacerbated by a lack of education and limited skills; pro-criminal attitude; susceptibility to criminal influence and criminal association; lack of victim empathy and lack of insight in own behaviour. Mr B is, therefore, susceptible to join gangs in a correctional centre and might later re-offend.

5.2.3.9 Recommendations

Mr B must be assisted to trace his cousin, who resides in South Africa as it will be easy for his cousin to visit him. Mr B must also be assisted to build a relationship

with his children. Being in contact with one of his family members might assist Mr B to cope with his sentence. It is further recommended that Mr B is exposed to stress management and economic crime programmes. This will assist the offender in realising that committing a crime is an individual's choice. Mr B must also be further assessed by a social worker or a psychologist with the aim of placing him in individual cognitive therapy, to address the following identified criminogenic needs: a sense of entitlement, pro-criminal attitude; susceptibility to criminal influence and criminal association; lack of victim empathy, lack of insight in own behaviour, manipulative behaviour, lack of norms and values, and a disregard for the law. Mr B revealed that he would like to start his own car-wash business after being released. Thus, it is recommended that the offender complete business courses that will assist him in becoming an entrepreneur.

5.2.3.10 Case Study Three: Mr C

The following case study is of a Mozambican foreign offender referred to as Mr C. Mr C is incarcerated for the rape of a minor and sentenced to twenty-two years. Mr C was interviewed with the aim of conducting a criminological assessment in which his needs and risks are identified. An analysis of his crime, criminal behaviour, and triggers are also provided.

5.2.3.10.1 Crime and Criminality

Mr C did not commit a crime during his youth, nor did he associate with anti-social or criminal friends during his school-going years. He is a first-time offender and maintains that he never committed any crime in his native country. However, the authenticity of the criminal information provided by the offender could not be verified due to a lack of criminal record information in his correctional file.

When Mr C was arrested and convicted for the current crime, he was 47 years of age. He is incarcerated for rape and admits guilt. From the researcher's experience as a social worker working in a correctional centre, offenders convicted of rape find it embarrassing to talk about their crimes, let alone the rape of a minor. Offenders convicted of rape are often mocked and despised by the community and their fellow inmates (Flora & Keohane, 2013:216), as they are viewed as 'animals' that could not control their sexual instincts. However, Mr C was not mortified to talk about his crime and stated that he speaks about his crime not because he is proud of it, but because

he has admitted guilt and he is contrite. He posits: *"I am a born-again Christian and have accepted my wrongdoings. That is why I have the courage to talk about my crime. I admit guilt for my crime, and I asked God to forgive me for what I have done"*. Mr C explained that his second wife's (Cynthia) niece resided with them. Although they stayed at the same house, Mr C reported that he was not aware of the girl's age, but he mentioned that she was in her teenage years. The offender purported that he only learned of the victim's age (15 years) when he was in court. Mr C disclosed that he told the victim that he loved her and suggested to her that they should date, meaning they should be boyfriend and girlfriend. The offender had intercourse with the victim on several occasions over a period of six months until she fell pregnant. His wife was not aware of this, and she only realised it when her niece fell pregnant. The sexual encounters occurred on days when Cynthia was not at home. The offender noted that he bought clothes and gave money to the victim to silence her. When the victim fell pregnant, she did not want to disclose to her aunt, who the father of her unborn baby was. Cynthia called her sister (the mother of the victim) and told her that her child was pregnant and that she refused to disclose who the father was. The mother then came to Cynthia's house to talk to her child.

When the mother of the victim asked her who the father of her unborn child was, she told her mother that the father is Mr C. The offender was approached and asked by both his wife and the mother of the victim about the allegations and he admitted that he is the father. Cynthia was extremely disappointed, and the mother of the victim was hurt and felt betrayed because she thought her daughter was in a safe, moral, Christian family; primarily because the offender was a priest. The mother of the victim decided that it was safer for her child to reside with her and took her back to her house. Mr C claimed that a family meeting was held with the extended family members to discuss the pregnancy. During that meeting, he apologised to the mother of the victim and explained that he would financially take care of the victim and the unborn baby. According to Mr C, the mother of the victim seemed to have accepted the apology as she had agreed to accept the offer.

Mr C submitted that the family convened a meeting in July 2003, but the mother reported the case to the police in October 2003. Mr C was surprised when the police came to his house because he thought the matter had been discussed and had been settled by the family. He was informed that the mother and the victim were at the

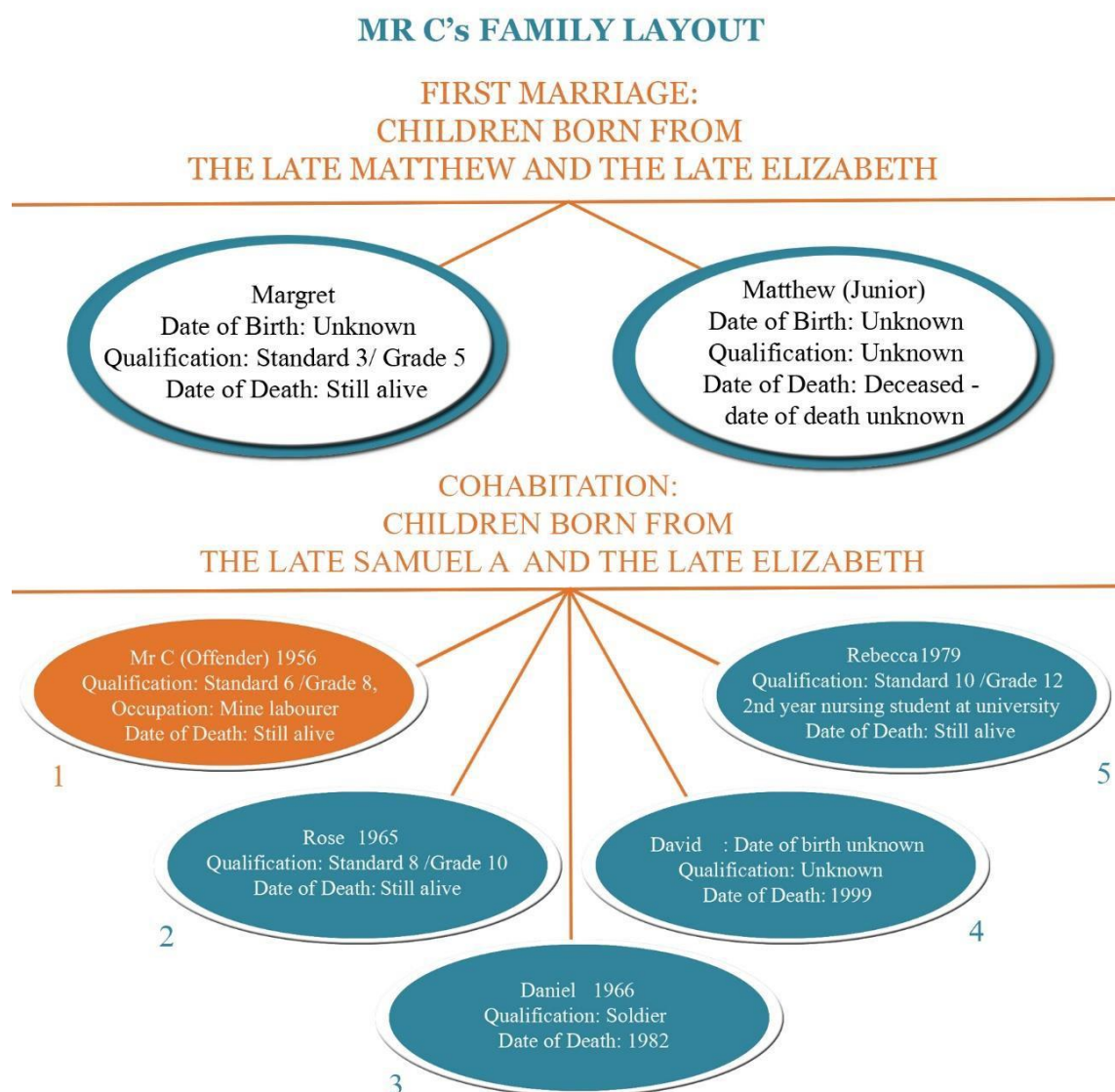
police station and had complained that he had sexually abused the victim. The police advised Mr C that since a criminal case had not yet been opened against him, it was better for him to go to the victim's house and talk to them. Mr C was accompanied by his wife to the victim's house, but the mother of the victim had changed her mind regarding the offer the offender made during the previous family meeting. She told the offender that he had ruined her daughter's future, and she wanted nothing else but justice for her daughter's 'wasted future'. In October 2003, police investigators from the Child Protection Unit came to the offender's house and informed him that he had been charged with statutory rape, and he was arrested. Mr C was detained at the police holding cells and appeared before the court for a bail application and was granted bail of R1500. While still in police custody, he called Cynthia to inform her about the bail and Cynthia told him that the victim had given birth to a baby boy. The offender could not pay the bail himself because he had no cash or bank cards with him. Cynthia went to the police station and paid bail for Mr C. The offender was on trial while residing with his family, and he admitted guilt and was convicted of statutory rape and sentenced to 22-years imprisonment.

5.2.3.10.2 Mr C's Family of Origin's Background

Mr C was born in 1956. He is the third born child from his mother's side and the first born from his father's side. Prior to his birth, his mother (Elizabeth) was married to the late Matthew. Several years after Matthew's death, Elizabeth cohabitated with another man called Samuel A, and the offender and his other younger siblings were born from this relationship.

Mr C is from the Tsonga tribe. According to the offender, in their Tsonga culture, if a woman is married and her husband dies, the man who will marry her has to pay bride price /lobola to the family of the deceased husband. In this case, his mother did not marry his father (Samuel A), and his mother continued using her deceased husband's surname. As a result, the offender used his mother's surname because his biological father (Samuel A) never paid lobola. The diagram below depicts the hierarchy of the offender's family.

DIAGRAM 3:MR C's FAMILY LAYOUT



Analysis of Diagram 3:

Age: Mr C does not know the ages of his parents. The age gap between Mr C and his siblings is one to nine years.

Qualifications: Mr C does not know the qualifications of his parents. Mr C is a mine labourer with Grade 8. Rebecca is the only one with higher qualification (Grade 12).

5.2.3.10.3 Developmental History

Mr C enunciated that although he and his older siblings were born from different fathers, they were on speaking terms and there has never been any conflict or fights amongst them. Mr C and his siblings were raised by their mother (alone without his father) because his parents separated. He was never physically abused as a child,

but his uncles physically exploited him, and they neglected his needs (clothing and food) as a child.

The offender's mother resided in the same village as her brothers, and they requested her to allow her son (Mr C) to assist them in taking care of their cattle. Since the instruction to shepherd his uncles' livestock was from his mother, the offender was forced to obey the instruction. Mr C is adamant that his uncles never paid him, and he commented that *"I grew up in a poverty-stricken family and this gave my two uncles a platform to exploit me, their children were treated better than me. After school, I had to herd their cattle. At times I had to be absent from school searching for their cows when they were missing. But I never got paid for that, I never even received shoes or clothes from them"*.

When asked what his mother did or said in light of the exploitation and maltreatment, the offender purported that his mother could not do anything. He stressed that *"I really don't know what was going on in my mother's mind when she saw me being exploited by her siblings. I think she felt powerless because she did nothing to stop it as she at times financially depended on them"*. Mr C's mother did not protect him from being exploited by his uncles.

Although Elizabeth never admonished her siblings for physically exploiting her son, Mr C said that he and his mother were on speaking terms and were close. To escape the clutches of poverty and further physical exploitation by his uncles, Mr C abandoned school and searched for a job to maintain his mother and his younger siblings.

Mr C stated that none of his siblings has ever been arrested or convicted of any crimes. His siblings never used drugs and alcohol. Mr C asserted that he grew up in a Christian family, and every Sunday, the family went to a fellowship at an Apostolic Church. During his teenage years, life was very tough because his parents had separated, and his father never financially maintained them.

5.2.3.10.4 Parental Marriage and Cohabitation History

Mr C cannot remember how his parents' relationship was because he was incredibly young when they separated. However, he still remembers that during his teenage years, their mother allowed them to visit their father at a different village from where they resided in Mozambique. According to the offender, there were no domestic

violence incidents reported by his mother or siblings, although their father neglected his responsibility and roles (involvement and financial support).

5.2.3.10.5 Parental Educational Background and Work History

Mr C's father (Samuel A) had no formal education and previously worked as mine labourer in Johannesburg (Gauteng Province). He became a commercial farmer and owned several farms, producing rice, cotton, wool, and wheat. Samuel A employed people to work for him on those farms, and he died in 1986 long before the offender was arrested. However, Mr C was already working at a mine at Westonaria (Gauteng Province), and he attended his father's funeral. Although the offender used to visit his father and also attended his funeral, he mentioned that he was not remarkably close to his father, particularly because his parents separated when he was still young.

Elizabeth was born in 1913, and she completed Form 4 (Grade 11). She was never employed and was a subsistence farmer. This means that she farmed for survival; the products of her farm were not sold but served as food for the family. As she was financially dependent on her ex-husband, the separation affected her financially, but she survived by selling alcoholic beverages which were made at her home. Elizabeth died in 2013 while Mr C was serving his current sentence. Mr C explained that his family informed him through the phone about his mother's death. Although Mr C never attended his mother's funeral, he seems to have dealt with her death. He commented that "*I have accepted that she is no more*". It is clear that Mr C was never too close to his mother.

5.2.3.10.6 Parental Substance Usage and Criminal History

The late Samuel A never used drugs, but he sniffed ground tobacco (snuff). He also used to drink alcohol. The offender denoted that his father was a reserved person, and when he was drunk, he would be even more reserved. Samuel A was never arrested or convicted.

Regarding Mr C's mother's criminal behaviour, she never had a licence to sell liquor and thus had several brushes with Mozambican police officers after which she was released with fines. The longest imprisonment she served for this crime was three (3) months in custody. During the time she sold liquor, Elizabeth was not drinking/consuming alcohol. However, after she quit selling alcohol, she started

drinking. She was 55 years old when she started drinking alcohol. Although she used alcohol, she never smoked tobacco or used drugs.

5.2.3.10.7 Access to and Relocations Within South Africa

Mr C is a legal foreigner and possessed a work permit. Due to unemployment in his native country (Mozambique), he was forced to move to South Africa in 1974, and he worked on the mines. Upon his arrival in South Africa, he resided in Mpumalanga. After a year he moved to Gauteng where he also worked in the mining industry.

5.2.3.10.8 Marital Relationships

The offender is married to a Mozambican woman (Jacqueline), and they have five children. He married a second wife (a South African, Cynthia) after several years of working in South Africa. His second wife was sick, and she died during his incarceration.

Mr C's first marriage: Jacqueline dropped out of school in Standard 4 (Grade 6) and had always been a businessperson. According to Mr C, Jacqueline started with a tuck-shop and parlayed it into a supermarket that she currently owns. Mr C and Jacqueline have four children (Robert, Ronald, Patrick, Mavis, and Elias). Of all the children, one (Elias) passed away in 2006. All the children are in possession of a Matric certificate, and they have never been convicted of a crime. All his sons are employed whilst his daughter is married and is a homemaker.

Mr C revealed that he always had a loving and caring relationship with Jacqueline and their children. Although he was based in South Africa most of the time, he sent them money to buy clothes and food. Mr C and Jacqueline are still on speaking terms as she financially supports him and sends him money through their two sons. Jacqueline is a non-smoker, a non-drug user and a teetotaler. She has never been arrested or convicted of a crime. When Mr C was asked what encouraged him to marry a second wife, and what Jacqueline's reaction was when he informed her that he planned to marry another wife, Mr C explained that he spent most of his time in South Africa and staying far from his family made him lonely. He felt that he needed a companion while residing in South Africa, and he cheated on his wife with his second wife, Cynthia. The offender claimed that he was honest with Cynthia and informed her about his wife and children in Mozambique. When he visited his family in Mozambique, he informed Jacqueline about his South African concubine. Mr C

stated that he told his wife that he would like to marry Cynthia as his second wife. Jacqueline agreed that her husband could marry a second wife, but that she wanted to meet her first. According to Mr C, in his culture (Tsonga culture), polygamy is allowed as this ensures that none of the children is born out of wedlock. Mr C went back to Mozambique with Cynthia to meet Jacqueline as arranged. Jacqueline approved of her husband's second marriage to Cynthia, and the customary marriage was arranged.

Mr C's second marriage: Cynthia was born in 1969, and she dropped out of school in Standard 9 (Grade 11). She worked at a manufacturing firm in Brits (North West Province, South Africa). When Cynthia met Mr C, she was employed and had two children (Karabo and Thabo) from a previous relationship. According to the offender, his relationship with Cynthia and her two children was very loving and caring as Cynthia, and her children treated him with respect. He emphasised that there were no communication problems between him, his second wife and her children. The offender claimed to have treated her children with love and care as if they were his own children. However, he did not legally adopt them. Although Cynthia was employed, Mr C earned more than her, and he financially provided for the family while her salary supplemented where necessary. Mr C professed that his marriage was patriarchal, meaning that a father is recognised as the head of the family. Cynthia and Mr C had two daughters (Gertrude, born in 1999 and Jaidyn born in 2001). Gertrude became sick from polio and died when she was six months old. Jaidyn became ill with malaria and died when she was one year old.

Cynthia has never used drugs, alcohol, or cigarettes. She has never been arrested or convicted of a crime. Cynthia fell sick with a headache and died while the offender was incarcerated.

5.2.3.10.9 Offender's Denomination

Mr C is a member of a born-again Christian congregation within the correctional centre called the Losperfontein Christian Church. Since he was born in a Christian family, he claims to be passionate about the church. After Mr C moved to South Africa, he attended different apostolic churches. When he relocated to Rustenburg due to work responsibility in 1996, he met fellow Mozambican citizens, and they felt a need to start their own church that speaks their own language and practices their

customs (patriarchy and polygamy). When they established a church, he was elected the leader (pastor) because of his Christian background. The church is based at the Wonderkop mining area near Marikana (North West Province, South Africa).

5.2.3.10.10 Educational Background, Work Experience, Achievements and Leadership Positions

The following section deals with Mr C's schooling history work experience, achievements, and leadership positions:

Schooling years: Mr C dropped out of school in Standard 7 (Grade 9) and alluded that the poverty at his home pushed him to quit school and search for work. During his youth and schooling years, he played soccer, and according to him, he was particularly good at it.

During his school years, the offender asserted that he related well with his teachers and other learners without any conflict. He stated that *"My teachers at school loved me so much and they wanted the best for me when I missed classes for several days, they came to my home to find out what was wrong"*. According to the offender, he failed several times and attributed his failure to poverty at his home. He failed Standard 3 (Grade 5) twice. He was forced to shepherd his uncles' livestock and some days he missed school. As noted, he was absent from school oftentimes especially when some of the cattle were missing as he had to search for them. When asked if he has learning difficulties, he explained that he found some of the courses difficult, but he attributed his failure at school to poverty and financial problems as his mother could not afford to buy him a school uniform. This made him lose interest in school and miss classes because other children would tease him for his old and torn clothes. Thus, being absent from school resulted in him failing.

Working years: Mr C worked briefly on farms and later at a hotel in Mozambique before moving to South Africa. In South Africa, he worked as a miner at the Kingros Mine in Mpumalanga Province from 1974 to 1976. He was employed on a year to year contractual basis. In 1976 he moved to Westonaria (Gauteng Province) where he worked at the Lebanon Mine. When Mr C was employed at the Kingross Mine (Goldfields), his soccer team played against the Lebanon mine soccer team from Westonaria. He was honoured for illustrious achievement in soccer, and he was awarded a medal during that soccer match. During that soccer match, some of the

mine managers were present, and they realised that he was a good soccer player. The managers recruited him to work in Westonaria (Gauteng Province) so that he could play for their soccer team.

The offender mentioned that in 1992, Anglo Platinum opened a new shaft in Northam (Limpopo Province). Anglo Platinum needed experienced workers, and they approached Goldfields to assist them with skilled workers. Employees who were willing to join Anglo Platinum were transferred to Northam, and Mr C was part of the group that transferred there. In all his working years Mr C resided on the mine premises (compound, also called a hostel) until he married Cynthia (his South African wife).

5.2.3.10.11 History of Alcohol and Substance Abuse

Mr C mentioned that he never used alcohol and drugs during his youth and adulthood. He commented:

“...to be honest I grew up not knowing any drugs, I started learning about drugs while I am serving this sentence. I saw on the TV news that some people were arrested with drugs and I asked my fellow inmates about drugs, and they explained to me what are they and how they work and what effects they have on a person, but still even if they can put drugs in front of me, I will not be able to tell which is which”.

5.2.3.10.12 Support During Incarceration

Prior to his mother's death, Mr C used to communicate with her telephonically. Mr C still has contact with three of his siblings, but they have never visited him. His siblings are aware of his incarceration and are incredibly supportive and send him money through his sons (Robert and Ronald) when they visit him. Mr C's daughter is married and has her own family, and this makes it difficult for her to visit him. Although his daughter does not visit him, he communicates with her through the phone. He receives adequate moral and financial support from his family. He emphasised that *“I have all I need inside the correctional centre. I have a wife (Jaqueline) and children who are giving me moral and financial support. My wife and children come from as far as from Mozambique to visit me. When they are here, they leave enough money for me. The money is registered at the offender's cash office of the correctional centre”.*

Mr C used to have contact with three of his extended family members (his uncles), but he quit communicating with them because they always lied to him, promising to visit but they never did. To ventilate his frustration regarding his uncles' unfulfilled promises, he said that *"I decided to quit calling them (the three uncles) because they always lied to me promising to visit. I felt that I was wasting the money that my wife and children gave me people who don't care about me"*. Mr C also receives support from the members of his church outside the correctional centre. The church members are from Mozambique, but they reside in South Africa. Although the church supports him, Mr C explained that when the congregation and the Church Committee heard that he was accused of rape, they did not believe it and they were disappointed when he admitted guilt in court and confessed to them. However, he reiterated that *"...they acknowledged that temptations do occur at times and that one can fall for them, hence their continued support"*.

Mr C asserted that although he had betrayed and cheated on Cynthia with her niece (15 years of age), she was supportive and used to visit him before she passed away. It was hard for Cynthia to believe that Mr C raped her niece because she had trusted him. Mr C expounded that his wife asked him if he really raped the victim and he admitted that he raped her. Mr C groomed the niece into a sexual relationship and sexual abuse. The offender admitted that his sexual relationship with the niece started long before it was found out. However, he denies having known the victim's age despite them residing together at the same house. Mr C has no contact with family members of his late wife. Although the offender has no contact with his in-laws, when his wife (Cynthia) died, his in-laws sent one of their relatives to inform him.

5.2.3.10.13 Behaviour During Incarceration

Mr C's has no disciplinary charges against him, and this was confirmed by his correctional files. He is not involved in gang activities within the correctional centre, and he cooperates well with the correctional centre officials.

The offender is not involved in any sports at the correctional centre; he rather spends his leisure time listening to the radio and reading newspapers. These activities assist him in keeping up with general developments such as news regarding the economy and living conditions in Mozambique.

5.2.3.10.14 Qualifications Obtained While Incarcerated

After being admitted to the correctional centre, Mr C registered for Level 4 (in Adult Basic Education and Training). He completed Level 4 and is currently registered for various computer courses. He has also completed several Biblical Courses which culminated in him being awarded certificates in Biblical Studies. He intends to further his theology studies so that he can attain a degree. His studies are financed by one of the churches that preach to the offenders at Losperfontein Correctional Centre.

5.2.3.10.15 Involvement in Rehabilitation Programmes and Services

The offender completed anger management and life skills programmes. He has never received individual therapy from a social worker or a psychologist. When the offender was asked what made him accept guilt and be motivated despite not being exposed to individual therapy, he stated that the word of God assisted him. He mentioned that he was self-motivated to complete these programmes.

5.2.3.10.16 Personal Goals

The offender noted that he would like to learn and acquire knowledge, particularly in theology as he would like to be a pastor after his release. He commented that he wants to guide people and preach the gospel of Christ to them. He alleged that *“I was a pastor before my incarceration, but I preached lies because I failed to live according to the word of God. Surely if I had practised what I preached, I would not be imprisoned today”*.

5.2.3.10.17 Criminological Evaluation and Analysis of Mr C's Criminal Behaviour

The following section evaluates Mr C criminal behaviour. Probable causes, contributory factors and motives related to his behaviour are determined, and from this, his needs and risks are identified for rehabilitation purposes.

5.2.3.10.18 Causes of Mr C's Criminal Behaviour

The following are identified as probable causes of Mr C's criminal behaviour:

- Deviant sexual fantasies, urges, desires, and arousal patterns: Mr C displayed deviant sexual fantasies, urges, desires, and arousal patterns. Corroborating this is Mr C's utterance that despite the victim being a minor, he was tempted to sexually abuse her because she wore transparent clothes that exposed her

body parts and that enticed him to initiate a sexual relationship. Sexual offenders with deviant sexual fantasies often minimise the effects of the offence and indicate that the victim wanted the sexual act to occur (Flora & Keohane, 2013:216). Adding on this, Bartol and Bartol (2014:316) postulate that despite the victims' youthful age sexual offenders often regard their victims as having consented to the sexual encounter and they are more likely to victimise children residing in their household.

- The sense of entitlement: Mr C displayed a sense of entitlement. He was aware that his salary was more than his wife's salary and the family depended on him. Mr C bought the silence of the victim by offering her items, and he also attempted to buy the victim's mother's silence by agreeing to raise the child and to pay cash for the inappropriate sexual encounters. According to Edwards (2017:1), most offenders with a sense of entitlement tend to think that offering money to the victims will silence them and allow the offender to circumvent justice
- History of exploitation, emotional abuse, and neglect: At an early age, Mr C was physically exploited by his uncle, and his mother remained silent whilst her son was maltreated, and he was thus forced to miss school and take care of his uncle's cattle. Moorhead (2013:1) and Baglivio and Epps (2016:180) warn that victims of abuse or maltreatment often turn out to be abusers later in life particularly if the effects of abuse were never addressed through individual counselling. Corroborating this, Coetzee and Bezuidenhout (2016:14) aver that prior victimisation exacerbates the offender's chance of committing a sexual crime. Thus, as stated by Hartney (2017:1), the offender displayed characteristics of someone with a history of maltreatment that was never addressed. Although the abuse was never sexual but more physical exploitation, Mr C ended being an abuser himself. As much as his mother failed to protect him as a child from maltreated, he also perpetuated the cycle of abuse by sexually exploiting his niece and attempting to evade justice by buying her silence. Moorhead (2013:1) and Hartney (2017:1) indicate that the cycle of abuse continues when children who were abused become perpetrators of child abuse when they are adults, as an attempt to undo the abuse by abusing others.
- Lack of self-control: Mr C lacked self-control, and he was unable to delay

gratification. Mr C's deviant sexual fantasy exacerbated his inability to restrain himself as he succumbed to deviant sexually arousing thoughts and sexually abused his niece. Coetzee (2015:40) cautions that deviant sexual arousal patterns may easily influence the offender to commit a sexual crime and to relapse to sexual crime if the sexual urges are not identified and well treated during the intervention period of the rehabilitation phase.

- Lack of insight into their own behaviour and neutralising and rationalising of behaviour: Mr C presented no insight regarding his criminal behaviour, and he attributed his crime to 'the influence of the Devil'. He stated that "...*the Devil overpowered me, and I have sinned*". Coetzee (2015:200) warns that offenders with no insight regarding their criminal behaviour are more prone to neutralise their behaviour.

5.2.3.10.19 Contributory Factors of Mr C's Criminal Behaviour

- Misuse of trust and abuse of power: Mr C was a pastor and a father, and he occupied a position of trust both in his family and in the community. He abused his power by sexually abusing his niece and knew that his wife and the community members would not suspect anything sinister from him. The National Center for Victims of Crime (2015:1) warns that oftentimes perpetrators of child sexual abuse are known to the family, and are influential people holding positions in the community - or are trusted family members.
- A sense of being above the law: Mr C exhibited a sense of being above the law. He silenced his victim for a while by providing her with finances and buying her clothes in order not to expose the sexual abuse. When the family found out about the abuse, he wanted to silence the victim and her mother by offering to take care of the victim and her child. Edwards (2017:10) states that people who think they are above the law often think they can avoid justice.
- Lack of moral attitude: The offender lacked morals. Instead of being a breadwinner, a supporter, and a protector to the victim, he raped her but still led the church congregation without any contrition. Due to his lack of morals, he betrayed the trust of the victim, the victim's mother, his wife, his church congregation and the community. The offender embodied the characteristics of a hebephiliac offender (sexual preference for early adolescent children between the age of 11 and 15 years); he groomed the victim and bought her

clothes to buy her silence. According to Taylor (2017:37) and Stephens (2017:6), hebephiliac offenders groom their victims by buying them items not to disclose deviant sexual encounters to other people, and to isolate the victim from significant others who might be aware of the abuse.

- Low self-esteem: Despite occupying a leadership position in the church, Mr C displayed low self-esteem that emanated from the childhood exploitation he suffered from his uncles. Plummer and Cossins (2016:20) found that often sexual offenders were abused as children, and they later turn into abusers as a way to regain and excise the power they lost during their own abuse. Adding on this, Coetzee and Bezuidenhout (2016:14) posit that not all sex offenders are necessarily the victims of prior sexual abuse, but that the majority of them are in fact victims of some kind of physical or emotional abuse and neglect.
- Lack of responsibility: Mr C displayed an attitude of irresponsibility. As a father figure, he was expected to provide for and protect his family financially. He failed to protect his family from emotional harm. Instead, he embarrassed his family by sexually abusing his niece. Mr C's lack of responsibility is further portrayed by wanting to evade justice by silencing the victim and her mother. Substantiating his lack of responsibility is Mr C's utterance that the devil overpowered him and that he was enticed by the victim as she wore transparent clothes. According to Kirwan and Power (2013:23), offenders who deny the responsibility for their acts are more prone to blaming the victim for their deviant acts.
- Poor parent-child bonds: Mr C grew up without any bonds to his parents. His parents were separated, and he was never close to them. Siegmunt (2016:15) found that boys who grow up without the involvement of their fathers, are more inclined to have no empathy for others and thus easily inclined to display anti-social behaviour and they may later commit a crime.
- Pro-sexual thinking patterns: Mr C claimed that the minor enticed him to abuse her sexually. This portrays that Mr C evinced inappropriate sexual interest in a child and that he manifested pro-sexual and pro-criminal mindsets. Martinez-Catene and Redondo (2016:42) intimate that sexual offenders have problems pertaining to assertiveness, intimacy, cognitive distortion, low self-esteem, and sexual preferences.

- Poor insight and understanding of behaviour: Mr C portrayed no understanding of his own behaviour. He attributes his crime to being overpowered by the devil and being tempted by the way his niece dressed. He commented that “...*the Devil overpowered me, and I have sinned*”. Mr C fails to understand that committing a crime is an individual choice and he, therefore, has to face the consequences of his choices and actions; instead, he blames the victim for wearing transparent clothes that exposed her body parts. Sexual offenders often minimise the effects of the offence and indicate that the victim wanted the sexual act to occur (Flora & Keohane, 2013:216).

5.2.3.10.20 Motives for Mr C's Criminal Behaviour

- Pro-sexual thinking patterns and deviant sexual arousal patterns: Mr C depicted a pro-criminal mind and lack of self-control (Banse *et al.*, 2013:6), and it can be argued that living in the same house with a young adolescent girl motivated Mr C's deviant behaviour. Having the opportunity to have time with the victim alone (in his wife's absence) afforded Mr C adequate opportunity to groom and sexually abuse the victim for an extended period of time without anyone being aware (Flora & Keohane, 2013:47).
- The sense of entitlement: Mr C displayed a sense of entitlement (Boduszek *et al.*, 2012:27). He cheated on his Mozambican wife (Jacqueline) with a South African woman (Cynthia) and later convinced his wife to approve his second marriage to Cynthia. Despite being allowed to marry his concubine, Mr C sexual abused his niece. As he was earning more than his second wife, and he was responsible for most of the household financial commitments, this bloated his sense of entitlement (Falk, 2016:20). Jensen (2017:25) warns that patriarchy and a sense of entitlement often influence men to view women as commodities to be owned, and this can exacerbate the vulnerability of women to abuse by men.
- Immediate sexual gratification: Mr C was unable to delay sexual gratification Boer (2016:40) avers that offenders who seek immediate gratification are more prone to act on instinct even when they are in contravention of the law. Despite Mr C being intimate with his wife, he failed to delay his sexual urges and became sexually involved with his wife's niece. Sanders (2017:355) and Stinson and Becker (2013:266) posit that offenders with an inability to delay

gratification are a risk for reoffending because they are unable to control their sexual urges and thus, should any situation that stimulates their sexual urges to arise, they are more likely to commit crime or re-offend.

5.2.3.10.21 Criminogenic Needs

To address Mr C's criminal behaviour and to ensure his effective rehabilitation, the following criminogenic needs are identified:

- Lack of empathy: Mr C revealed no empathy for the victim. Although he claims that he did not know the victim's age, he was aware that the victim was young, yet he still raped her. Mr C's lack of empathy is portrayed by his tendency to shift blame to the victim claiming to have been enticed by the transparent clothes the victim wore. Hesselink (2015:9) warns that empathy deficits escalate the likelihood that a person will behave in a harmful way and thus, exacerbates reoffending behaviour.
- Lack of self-control and a sense of entitlement: Despite being married to two wives and enjoying conjugal rights in both, Mr C sexually engaged with his wife's niece. Falk (2016:20) and Jensen (2017:25) argue that research proves that men who lack self-control, and who exhibit a sense of entitlement often view women as assets and this exposes women to abuse.
- Pro-sexual attitude, deviant sexual behaviour fantasises, and arousal patterns: Mr C portrayed a pro-criminal mindset; pro-sexual attitude; and deviant arousal patterns. Banse *et al.* (2013:6) intimate that the aforementioned characteristics are criminogenic needs and are amenable to treatment; thus, offenders who depict the above traits must be subjected to cognitive treatment. Despite the victim being related to him, Mr C mentioned that he was enticed to sexually abuse the victim because she wore revealing clothes. Naidoo (2014:38) cites that sexual offenders with pro-sexual attitudes and deviant sexual behaviour, often prey on the vulnerable members of their own families because they are aware that the victims might be reluctant to report the abuse for fear of family embarrassment, and losing the provider, especially if the abuser is a breadwinner.
- Lack of insight and understanding of behaviour: Mr C depicted no understanding of his own behaviour. He attributed his crime to being overwhelmed by the devil and being tempted by the victim to abuse her.

Hesselink and Booyens (2014:12) and Hesselink (2015:9) state that offenders with a lack of understanding of their own behaviour often put the blame on their victims. Tully *et al.* (2015:511) reiterate that offenders who lack insight regarding their behaviour are a risk for reoffending.

- Inappropriate sexual preferences for a minor: Mr C depicted characteristics of a hebephile, and according to Sea and Beauregard (2018:2510), this is a psychological problem that needs in-depth intervention by a psychologist. Thus, the offender is referred to a psychologist for further assessment and therapy. Bartol and Bartol (2017:420) suggest two types of therapies for hebephiliac offenders:
 - a) Evocative therapy, which deals with assisting the perpetrator in understanding the causes and motives of their criminal behaviour and also increases empathy for the sexual offence victim. Therefore, this therapy aims to help Mr C acquire insight and understanding into his own behaviour.
 - b) Cognitive behaviour therapy, which focusses on changing beliefs, fantasies, attitudes, and rationalisations that perpetuate violent sexual behaviour. This will address Mr C's pro-sexual fantasies, arousal patterns, sense of entitlement and lack of values and morals.

The next section focusses on Mr C's risks to re-offend, which, as stated before, oftentimes overlap with criminogenic needs.

5.2.3.10.22 Risks of Recidivism

The following are the identified risks for Mr C's likelihood to further engage in crime:

- Sexual preoccupation and hebephiliac tendencies: As noted, Mr C displayed characteristics of a hebephile, such as grooming of the victim and buying her silence with money and material goods (clothes) (Sea & Beauregard, 2018:2512). Although the offender's age at the onset of crime was 47 years, research (Hesselink & Booyens, 2014:13) has proved that hebephiles seldom age out of crime. Craig, Browne, and Beech (2008:10) allude that the average age of convicted child molesters is approximately 40 years. A relevant example to support the notion that hebephiles rarely outgrow their criminal behaviour is a case of James McNeil dubbed 'Santa Claus'. At the age of 77 years, McNeil was convicted and sentenced to ten years imprisonment for

child molestation. At the time of his trial, police referred to him as the worst paedophile South Africa has ever seen (Behr, 2007:01). Another recent case of a paedophile who groomed and preyed on children is Warren Troy Knoop. He groomed and raped his victims and claimed that he was sexually molested as a child (Chabalala, 2017:1).

- Pro-sexual attitude, deviant sexual behaviour fantasises and arousal patterns: Mr C's poses a risk for reoffending, especially when considering that he displayed a pro-sexual attitude and deviant sexual arousal patterns. It should further be noted that Mr C will be 60 years old when considered for parole. Although he claims to be converted, he will still be at a prime age to groom and molest children. Supporting the notion of a pro-sexual attitude influencing Mr C's likelihood of reoffending, Carlson (2015:195) intimates that due to their deviant sexual behaviour, sexual offenders pose a high risk of reoffending and no sexual treatment programme reassures with any certainty that sex offenders will not re-offend. Sharing the same sentiments, Bartol and Bartol (2017:420) cite that sexual offenders are often highly resistant to change their deviant behaviour and there is no evidence that clinical treatments reduce rates of sexual reoffending.
- Inappropriate sexual preference: Mr C was already in the mid-'40s when he committed his crime, and this portrayed that he had an inappropriate sexual interest in children caused by a pro-sexual and pro-criminal mindset. Martinez-Catene and Redondo (2016:42) demonstrated that sexual offenders have problems pertaining to sexual preferences.
- Lack of self-control, morals, and values: From the information gathered regarding Mr C's crime, it is evident that he lacks self-control. Mr C alleged that the victim often wore clothes that revealed her body parts, and this tempted him to molest her. A lack of self-control is pointed out by Hesselink as cited in Holtzhausen (2012:179); Hesselink and Mostert (2014:45) and Malouf, Schaefer, Witt, Stuewig and Tangney (2014:335) as a risk for recidivism.
- Lack of empathy for the victim and lack of responsibility: Mr C revealed no victim empathy and no sense of responsibility for his criminal behaviour. Instead of taking responsibility for his crime, he attributed his crime to the manner in which the victim dressed. Although he admitted guilt, he did not

take full responsibility for his crime. According to Hesselink and Booyens (2014:12), reluctance to account for one's own behaviour (lack of responsibility) poses a risk for re-offending. These authors further state that failing to take responsibility shows that the offender has no insight and understanding into the causes of his crime, and this can lead him to engage in similar behaviour in future.

- The sense of entitlement, abuse of power and trust: Mr C showed a sense of entitlement and lack of respect for his wife and the victim. Although Cynthia agreed to be a second wife, Mr C still betrayed her trust by sexually abusing her niece. He misused the power and trust vested in him as a husband and a pastor in the church. Edwards (2017:10) avers that a sense of entitlement and abuse of power are considered a risk for reoffending.

5.2.3.11 Theoretical Explanation of Mr C's Criminal Behaviour

Certain criminal behaviours cannot be explained using a single theory. Hence, there are integrated criminological theories to explain some aspects of criminal behaviour that other theories fail to explain. Three theories can explain Mr C's behaviour namely the Neutralisation theory (1957) by Gresham Sykes and David Matza, Control Balance theory (1995) by Charles Tittle, and the Reintegrative Shaming theory (1989) by Braithwaite.

According to Williams and MacShane (2014:166), Sykes and Matza explained that people develop a distinct set of justification techniques of neutralisation (rationalising and denying) for their law-violating behaviour. Neutralisation or justification techniques such as a denial of responsibility, denial of injury, denial of victim, condemnation of the condemners and appeal to high loyalties are often used by offenders to shirk responsibility and moral culpability for their aberrant and criminal behaviour (Jantz & Morley, 2018:2760). Although Mr C admitted the crime, he denied responsibility for his criminal behaviour and put the blame on the victim saying that she wore transparent clothes that revealed her body and that it enticed him to abuse her sexually. According to the Neutralisation theory, this is a denial of responsibility and rationalising one's actions and decisions (Siegel, 2016:233). Mr C also attributed his crime to 'temptation by the devil'. Mr C admitted that the crime happened, but that he had no free will as he was enticed by the victim and

influenced by the devil not to make a proper, lawful decision. Mr C shirked responsibility for his actions and decisions (Schmallegger, 2014:94).

Mr C never regarded the victim's age, and he denied having knowledge that the victim was a minor, thus, neutralising his crime and denying responsibility for his crime. Although Mr C did not verbally deny that the ramification of his actions (raping the minor) have affected or harmed and negatively altered the victim's life, it is clear that he acknowledged the physical and emotional harm that the victim suffered. Mr C believed that admitting guilt during a family meeting and agreeing to raise the child born from sexual abuse, was enough reparation for the harm the victim suffered. This is tantamount to denying the injury that the victim suffered (Tibbetts & Hemmens, 2015:306).

Moving on to the next theory, the basic principle of Tittle's Control Balance theory is that deviant behaviour occurs when an imbalance ensue between the amount of control a person can exercise, and the amount of control to which a person is subjected and this is referred to as a control ratio (Schmallegger, 2014:109). People occupying positions in society that afford them control over others, according to Charles Tittle's Control Balance theory, have a control surplus (power) while those being controlled have control deficits (Burke, 2014:305). Mr C was married to two wives, Jacqueline from Mozambique, and the late Cynthia from South Africa. In both of his marriages, he enjoyed conjugal rights. Although his two wives had incomes, Mr C paid for the major expenses in both of their houses. According to Mr C, he was in a leadership position at the church and held in high esteem by the church congregation. He misused his power and position as a leader and as a father figure by sexually abusing the victim. Sanders (2017:25) states that sex offenders are more inclined to abuse their position of power and betray the trust of others. Due to Mr C's hebephilic personality traits, he engaged in immoral and criminal behaviour.

On the other hand, the victim was a minor and financially dependent on Mr C and his wife for her safety, security, and emotional wellbeing. Mr C, as the head and provider in the family, had authority over the victim. Thus, it can be argued that Mr C had a control surplus while the victim had control deficit (Cox *et al.*, 2014:108). Mr C enticed the victim by buying her clothes, and the victim agreed to his proposal that they become involved in a sexual relationship until she fell pregnant. Due to his deviant sexual arousal patterns, the sexual appetite for different women, sense of

entitlement and deviant sexual fantasies, it can be postulated that despite already being in polygamous marriages, Mr C wanted to extend his control surplus (being intimate with several women) and this resulted in his criminal behaviour. Corroborating this, Kalra and Bhugra (2013:1) cite that although coercing the victim into sexual activity may offer sexual gratification to sex offenders, it is also considered an expression of power and dominance. Mr C's criminal behaviour can be explained as an attempt to increase his control surplus, encouraged by his deviant sexual arousal patterns, sense of entitlement and deviant sexual fantasies (Fox *et al.*, 2016:926; Newburn, 2016:244).

The disapproval of Mr C's criminal behaviour and the support that he received from church members can be explained through Braithwaite's theory of Reintegrative Shaming (1989). Mr C admitted that he raped the victim and acknowledged it to the church members. Although the church members disdained Mr C's criminal behaviour, they still support (integrative shaming) him and this may dissuade the offender from reoffending and may deter potential offenders who witnessed Mr C being abominated (shamed) by society (Cullen & Agnew, 2011:279; Miles & Raynor, 2014:185).

5.2.3.12 Recommendations

It is recommended that Mr C be further assessed by a psychologist with the aim of exposing him to in-depth, long-term counselling regarding his hebephiliac behaviour. Although Bartol and Bartol (2017:420) recommend therapies for hebephiles, Goode (2010:10) emphasises that paedophilia and hebephiliac behaviour are psychosexual disorders that are exceedingly difficult to cure and often the offenders' relapse to their deviant behaviour. It is a possibility that the offender could relapse to his deviant behaviour. Corroborating this, Hesselink and Booyens (2014:13) aver that future risks and the possibility of recidivism, cannot be predicted and that offenders with paedophilic characteristics are more likely to re-offend. Adding to this, Howard, De Almeida Neto and Galouzis (2018:2) cite that untreated sexual offenders, and those who default on sexual treatment programmes, tend to be recidivists in both sexual and non-sexual offences. Thus, because Mr C portrays hebephiliac characteristics, he requires in-depth psychological counselling to lessen his risks of relapsing to crime.

Adding to the argument of Mr C's possible relapse to crime, Beier (2016:1) warns that paedophiles and hebephiles are the most difficult offenders to treat and can easily relapse to crime. Therefore, Mr C must be adequately monitored when placed on parole in order to prevent reoffending. Mr C will be deported when placed on parole, and this renders his monitoring by DCS's parole officers impossible. It is recommended that the Mozambican authority is sensitised to his risks of reoffending.

SECTION B

Section B focuses exclusively on case studies of Zimbabwean foreign offenders.

5.2.3.13 Case Study Four: Mr D

Mr D is incarcerated for theft and the possession of stolen goods and was sentenced to 16-years imprisonment.

5.2.3.13.1 Criminal History and Criminality

Mr D has never been arrested or convicted in his native country. He is a first-time offender. When he was questioned about his crime, he explained that he was buying stolen goods from three criminals from Brits (North West Province) and he would then sell those goods at a high price to make a profit. Through this criminal activity, he and his associates established a criminal and working relationship as the offender became their regular customer.

In 2011, the offender was approached by a Caucasian man (Mr Hans) who needed to buy a motorbike. Mr Hans heard from one of the residents that Mr D sold stolen goods at a reasonable price, and thus approached the offender. Mr D called his associates to arrange for a motorbike fitting the specifications required. Mr Hans insisted on meeting with the people who would arrange the motorbike, and the offender made an appointment with them to meet. The deal went through because Mr D's associates brought the motorbike with them. Mr Hans paid them, and the offender received his share for finding the customer. Before Mr Hans paid, he took the names and contact numbers of the offender and his friends. After two months, Mr Hans called and requested another motorbike. The deal went through, just like before, and Mr Hans received the second motorbike; but he then took both motorbikes and opened a case against the offender and his friends at a nearby police station.

The police accompanied Mr Hans to the offender's shack, and more stolen goods (generators and several motorbikes) were found in his possession, and he was arrested. The offender was charged with six (6) counts of theft and being in possession of stolen goods. His three associates were also arrested. During the trial, the offender confessed and admitted guilt and was convicted and sentenced to sixteen years imprisonment. Two of his friends were acquitted because there was not enough evidence against them, and the third friend is still on trial.

The offender admitted to selling stolen goods and acknowledged that he promoted crime. He mentioned that because he was just a middle-man, he did not know the victims of his criminal activity and he previously did not see any wrong in buying stolen goods because he did not steal them himself. He appealed against the length of his sentence, and his sentence was reduced by four years, and the court informed him that he should write a petition for a further reduction of sentence.

Mr D stated that he is unsure if the four years that the court claimed to have reduced have been affected on his warrant because his correctional centre card still states that he is serving a sixteen-year sentence.

5.2.3.13.2 Mr D's Family Background and Childhood History

Mr D was born in Zimbabwe in 1979. He and his brother (Alfred Junior) were raised by both of their parents. Alfred Junior was born in 1976. The offender explained that he had a good relationship with his parents and his brother. Their parents were supportive and took care of Mr D and his brother. Although Mr D related well with his parents, he intimated that he and his brother were closer to his mother than his father. During the week, his father left home early in the morning, and he often came home late in the evenings and also worked some weekends. This made it difficult for them to build a strong bond with their father.

The offender explained that sometimes he and his brother would have squabbles as siblings. He revealed that they once had a tiff and that he was terribly angry. Mr D left home without mentioning to anyone where he was going, and he joined street children. When his parents came home from work, they searched for him but could not locate him. He was found the following day, and he was taken home, and his father gave him a hiding.

5.2.3.13.3 Parental History

The offender revealed that his parents were married in terms of customary law, and they did not have a marriage certificate. His father Alfred (Senior) was a supervisor in one of the mines in Zimbabwe, while his mother Margaret was a domestic worker. The offender was not sure about the age and qualifications of his parents. He mentioned that his parents neither used drugs nor alcohol. His parents loved and emotionally supported each other, and Mr D never witnessed any disagreement between his parents. The offender avers that he grew up well without witnessing any violence except the occasional tiff with his brother.

Mr D elucidated that it was a sad experience when he lost his parents in a car accident in 1996. He mentioned that life became very tough as he and his brother were still at school. His brother left school in Standard 6 (Grade 8) and found employment at a firm in Zimbabwe. The offender had hoped that his brother would assist him financially to complete Standard 10 (Grade 12). However, his dreams were shattered when his brother decided to move in with a girlfriend and never assisted him financially. The offender was forced to leave school in Standard 6 (Grade 8).

5.2.3.13.4 Educational History

The following section discusses Mr D's educational history from primary to secondary education.

Primary education: During the offender's primary education, he performed well, and enjoyed the support of both his parents. The offender noted that he was an average student at school but never repeated any grade. He excelled in soccer, and he was the captain of the soccer team in primary school. He was awarded a medal for top goal scorer for the under-twelve soccer team at his school. The offender had a good relationship (relating well) with his peers and teachers. Nonetheless, he mentioned that sometimes they would have conflict amongst themselves as learners, but he was never bullied, and he never bullied other children. Although he claimed that he never bullied others, he once tried to throw a stone at another learner but missed him, and the stone smashed a window pane in one of the houses. The owner of the house took the offender to his mother, and he was reprimanded. His mother

compensated the owner of the house and replaced the broken window. Since that day, the offender never threw stones at other children again.

Secondary education: During his first year at secondary school (Grade 8), Mr D continued playing soccer, but he only attended school for six months after which his parents died. Due to a lack of financial and moral support, he dropped out of school and started searching for a job but did not find employment in Zimbabwe.

After being sentenced, the offender registered level 1 Adult Basic Education. He stated that he had completed levels 1 (equivalent to Grade 3), 2 (equivalent to Grade 5), and 3 (equivalent to Grade 7). At the time of the interviews, he was busy with level 4 (equivalent to Grade 9). Mr D also attended a Bible Study course offered inside the correctional centre.

5.2.3.13.5 Access to South Africa

The offender is an illegal immigrant. Due to poverty and unemployment in his country, he immigrated to South Africa in 1998. Mr D elucidated that he was convinced by his friend, who was also an illegal foreigner that South Africa offers plenty of job opportunities. His friend brought him along to South Africa. To get access to South Africa, Mr D and his friend jumped over the border fence between South Africa and Zimbabwe, near the Beit-Bridge border gate. His friend was renting a shack in Soshanguve (Pretoria, Gauteng Province) and eked out a living from odd jobs. Mr D and his friend stayed together while he was searching for employment. Mr D relocated to Shoemansville, a suburb in Hartebeespoort (North West Province) where he acquired his own shack in a squatter camp. His reason for relocating was that his friend was already staying with his girlfriend, and he felt that he was invading their privacy.

5.2.3.13.6 Employment History

As stated above, Mr D never worked in Zimbabwe and only started working in South Africa. He was employed as a gardener at Hartebeespoort Dam from 1999 to 2000. During 2000, Mr D met Mr Sithole, a bricklayer from Brits (North West Province). Mr Sithole convinced Mr D to join him in construction as it paid more than garden services. Mr D joined Mr Sithole and acquired the skill to lay bricks, plaster, and paint. In 2001, he felt he had obtained enough skills to work alone and negotiate business for himself. He left Mr Sithole without informing him. Unfortunately, he

never secured any building business and went back to garden services. Mr D secured stable employment in 2005 when a Caucasian man (Mr Willow) in Hartebeespoort Dam employed him to be his permanent general worker, focused on gardening. He had a good relationship with his employer and his colleague, who was a domestic worker. He claimed that he was never absent from work, and he worked there until he was arrested in 2011.

5.2.3.13.7 Intimate Relationships

The offender is not married. He enjoyed several relationships while residing in Zimbabwe, but those relationships never lasted because he could not maintain them. Mr D's first committed relationship was in South Africa when he stayed at his own shack. He cohabitated with his girlfriend, Pauline, and they have two children, aged nine and four years. The offender claimed to have financially and emotionally supported his children when he was not incarcerated, and when they were still young.

According to the offender, Pauline was working at a nursery when they met. Pauline left school in Standard 6 (Grade 8), and she has no criminal history and never used drugs. However, she used to drink alcohol, particularly on weekends. One of the main causes of disagreements between Mr D and Pauline was that she was irresponsible when she was inebriated. She would leave the children alone and join her friends at a nearby tavern. Although the offender always admonished his girlfriend for neglecting their children when intoxicated, Mr D pointed out that he never assaulted her. Despite her irresponsible behaviour, Pauline, according to the offender, sometimes used to go to a fellowship at a nearby charismatic born-again Christian church.

5.2.3.13.8 History of Substance Abuse

The offender never used drugs, but he explained that he used to drink alcohol prior to his incarceration, particularly on weekends. However, he claimed to have never lost control (become violent) when inebriated. He started smoking cigarettes in 2003, a habit he maintains to date. The offender suffers from 'painful ears' and currently receives treatment and medication from the internal hospital.

5.2.3.13.9 Support System While Incarcerated

The offender does not have a support system, and no one assists him financially. He stated that the last time he saw the mother of his children (Pauline) was when he was on trial in 2011. Since his incarceration, he lost contact with her and his children. He claimed to have accepted the fact that his girlfriend might have “...*moved on with another man*” because he still has to serve eight years before he is released on parole, and “...*that’s a long time to expect someone to wait for you while you are in jail*”.

Mr D used to call his brother in Zimbabwe when he was still outside, but since being incarcerated, he has not spoken to him. Mr D mentioned that he survives by washing and ironing clothes for other offenders and they pay him by giving him phone cards. The offender stated that he communicates with his cousin, who is also an illegal immigrant in South Africa. His cousin resides at the same squatter camp in Hartebeespoort Dam. His cousin has informed his brother that he is incarcerated. Mr D’s cousin is unemployed and has never visited him.

Apart from his cousin, the offender has contact with two of his friends from Zimbabwe, and he calls them occasionally. One of his friends, Harold, was previously incarcerated though Mr D does not know what his crime was, Harold served a one-year imprisonment term in South Africa. His other friend (Ronald) has never been convicted. Both of his friends are illegal immigrants, and they have also never visited him.

5.2.3.13.10 Behaviour During Incarceration

Mr D has no further charges or any internal disciplinary proceedings against him. This was confirmed by the information obtained from the offender’s institutional file. He explained that he is a member of the Losperfontein born-again Christian Church, and he attends church service every Sunday. He exclaimed that the church gives him hope and encouragement to serve his sentence because he is guilty.

5.2.3.13.11 Mr D’s Future Goals

Mr D does not have a specific future goal apart from being released and finding a job at a garden service because he has a skill obtained prior to his incarceration. He is currently attending school to increase the likelihood of being employed upon his release.

5.2.3.13.12 Involvement in Rehabilitation Programmes and Services

Despite him not being visited, Mr D has never received any psychological or social treatment since being admitted. He mentioned that because he has telephone contact with his cousin and his two friends, he communicates with them, but unfortunately, they cannot visit him because they are illegal foreigners. His family members in Zimbabwe are also aware that he is incarcerated as his cousin has informed them. Due to the long distance and exorbitant price of travelling to South Africa, his family members are unable to visit him. Mr D has also not consulted a social worker to assist him with re-establishing contact with his girlfriend and his children. He intimated that his girlfriend might be involved with another man, and he does not want to interfere with her relationship. Mr D does not want to re-establish contact with his children while incarcerated as they were young when he was sentenced and re-establishing a relationship will require adequate time. Mr D has not attended any programmes since his admission.

5.2.3.14 Criminological Evaluation and Analysis of Mr D's Criminal Behaviour

The causes, contributory factors and motives of Mr D's criminal behaviour, as well as his needs and risks, will be identified for rehabilitation purposes.

5.2.3.14.1 Causes of Mr D's Criminal Behaviour

Below are the identified causes of Mr D's criminal behaviour:

- Criminal association: Mr D associated with criminals and provided a market for them. He bought stolen goods from his criminal friends and resold them at a higher price to make a profit. Rokven *et al.* (2017:697) posit that associating with criminal friends is one of the causes of criminal behaviour because friends have an influence on an individual's life and pro-criminal decisions.
- Pro-criminal attitude and lack of morals: Mr D portrayed a pro-criminal attitude and lack of morals. Due to his pro-criminal attitude and lack of morals, he bought stolen goods and sold them without any shame. Individuals with pro-criminal attitude and lack of morals find nothing wrong in benefiting from the proceeds of crime (Hilton & Radatz, 2017:3249). Mr D provided a market for his criminal associates, and ultimately, he established a working criminal relationship with his associates. He found other potential customers for his

criminal associates, and he was paid for his efforts. Offenders with pro-criminal attitudes regard crime as part of life and see nothing wrong with promoting criminal activities and often provide excuses for their recalcitrant behaviour (Banse *et al.*, 2013:6; Serin, De Wolf, McQuaid, 2015:1). This is evident with Mr D as he posited that because he was just a middle-man, he did not know the victims of his criminal activity and he saw nothing wrong with buying stolen goods because he did not steal them himself.

- Lack of insight into behaviour, neutralising and rationalising of behaviour: Mr D depicted no insight regarding his criminal behaviour and neutralises his behaviour. He stated that he did not commit the crime himself, but that he was just a middle-man who provided a market for his criminal associates. According to Coetzee (2015:2) and Hesselink and Booyens (2014:12), offenders with lack of insight and understanding of their offending behaviour, always neutralise and rationalise their behaviour by providing excuses and attempting to exonerate themselves from any wrongdoing.

5.2.3.14.2 Contributing Factors of Mr D's Criminal Behaviour

- Lack of attachment to father, and truant behaviour at an early age: Mr D stated that he and his brother were never close to their father because their father was hardly home due to work commitments. According to Morwe *et al.* (2015:16), research illustrates that although society expects fathers to financially provide for and make resources available to their families and children, it is also expected that fathers be involved in the upbringing, parental nurturing, and motivation of their children. Flynn and Butler (2018:111) suggest that fathers must not only play a role of provider because disengaging in children's upbringing has detrimental consequences (truant behaviour at an early age and the use of drugs), due to the lack of fatherly love, guidance, and support. Corroborating this argument, Kruk (2012:2) and Fiona (2012:1) argue that children with present but disengaged fathers have more difficulties with social adjustment (relating to others) and oftentimes portray an intimidating persona to disguise their underlying fears, resentments, anxieties, and unhappiness. Therefore, it can be argued that Mr D's father's lack of guidance and discipline resulted in him being unable to relate well with other learners and this resulted in deviancy (stone throwing

incident) at an early age. Mr D's early truancy is also displayed in his disappearance from home; this might be an indication of resentment and unhappiness at not being offered attention by his father. Freeks (2017:90) states that the lack of a father-son relationship can easily result in the son's recalcitrant behaviour. Most children whose fathers were not involved in their upbringings experience a vacuum of paternal love and often feel rejected (Kelly, 2017:1).

- Absent parents and lack of parental supervision: Mr D grew up in a broken home with poor parent-child bonds, and he lacks knowledge regarding his parents' age and qualifications. His parents passed away at an early age, leaving him destitute. Lack of parental supervision due to death or divorce is cited as a predominant factor exacerbating the likelihood of engaging in criminal behaviour (Bezuidenhout, 2013:77). To escape the clutches of poverty and in search of a better life, Mr D migrated to South Africa. Although Mr D secured employment in South Africa, he ultimately resorted to crime, which supports the notion indicated by Conklin (2013:168), that children born from broken families either through death or divorce are more prone to commit a crime.
- Disrespect for the law and authority: Mr D displayed an inability to respect authority portrayed by his truancy as a child when he absconded from his home, and his involvement in aggressive behaviour (stone throwing incident). Absconding from his home also portrayed Mr D's contempt for his parents' authority. A culture of disrespect for the law and authority often starts at a youthful age, such as a child not observing his parent's family roles and not respecting authority (Zavala & Kurtz, 2017:510). Mr D's behaviour vividly showed that he could not control his emotions as he irrationally decided to run away from home. An inability to control one's behaviour may hamper one to think rationally (Lianos & Mcgrath, 2018:676). Mr D was fully aware that being in possession of stolen goods is a criminal offence, but he was willing to trade in stolen goods and even found potential customers for his criminal friends. Vaughan, Ward, Bouffard, and Piquero (2018:15) underscore that disregard and disrespect for authority (law and order) in childhood predicts a future possibility of a law violation.

- Lack of self-control and history of antisocial behaviour: Mr D's inability to control his emotions emanated from his childhood; during his childhood, he attempted to harm another child (stone throwing incident). An inability to control anger and truancy in childhood oftentimes extends into adulthood if not well addressed (Loeber & Farrington, 2012:5; Travis, 2015:135), and this was evident with Mr D because as a child he intended to hurt other children and, as an adult his intention was to make money from stolen goods with no regard for the victims.
- A sense of entitlement and lack of empathy for the victims: Mr D manifested a sense of entitlement. His sense of entitlement was depicted by expecting his older brother to provide for him and to pay his fees after the death of their parents. Mr D displayed no empathy for the victims and regarded his role in criminal activity as less important, as he had no contact with the victims. People with no empathy have no regard for others and often provide excuses for their deviant behaviour (Shahidullah, 2017:460; Snyder, Lopez & Pedrotti 2015:316). Jobson (2016:1) articulates that individuals with a lack of empathy and a sense of entitlement are selfish and have no consideration for others, and these personality traits are contributing factors to engage in criminal activity. Adding on this, Boduszek *et al.* (2012:25) warn that individuals with a sense of entitlement have a propensity to associate with criminal peers, as they feel that they deserve better and that life is unfair to them, which exacerbates the probability of committing a crime. This is also evident in Mr D's case - due to his sense of entitlement he associated with criminal friends and provided a market for stolen goods.

5.2.3.14.3 Motives of Mr D's Criminal Behaviour

- Pro-criminal attitude and a willingness to participate in criminal behaviour: Mr D reflected a susceptibility to criminal influence. Although he was employed, he was also willing to engage in criminal activity. He associated with criminal friends and provided them with a market for the stolen goods. A pro-criminal mind and a willingness to commit crime are regarded as motives to commit a crime as they significantly exacerbate the likelihood of offending or reoffending (Banse *et al.*, 2013:677; Leverso, Bielby & Hoelter, 2015:68).

- Greediness and an opportunistic attitude: Mr D revealed an opportunistic attitude and greediness. He was employed and was also involved in criminal behaviour by trading in stolen goods and providing potential customers to his criminal friends. People who display greediness and an opportunistic attitude are self-centred and have no regard for others (Peak, 2015:89; Rider, 2015:731), and these characteristics were identified in Mr D.

5.2.3.14.4 Mr D's Criminogenic Needs

- Unresolved childhood trauma: Mr D displayed unresolved childhood trauma. Unresolved childhood trauma has lasting effects on a person's life (Fox, Perez, Cass & Baglivio, 2015:164). At the age of 17 years, his parents died in a motor vehicle accident, and this left him destitute as the source of emotional and financial support were no longer available. He was forced to drop out of school and search for employment. Mr D was never offered any social work or psychological counselling to deal with the death of his parents. Altintas and Bilici (2018:101) cite that children with unresolved emotional childhood trauma are more inclined to suffer from post-traumatic stress disorder as adults, and due to a lack of support, they are more likely to end up on the streets and at risk for engaging in crime. This is corroborated in Mr D's case; due to his lack of support after the loss of his parents, he illegally migrated to South Africa. After securing employment, he felt that the salary paid was inadequate, and he augmented it by associating with criminals and selling stolen goods.
- Poor support system: Mr D lacks emotional and financial support, and he survives through the help of other inmates. Family support to inmates is paramount. According to Brunton-Smith and McCarthy (2017:464) and Carlson (2015:181), an offender with a lack of a support system is susceptible to join criminal gangs inside a correctional centre, in order to compensate for the lack of support from his family. Emphasising the importance of family support on offenders, Gouws (2015) and Wallace *et al.* (2016:18) state that emotional and financial support from the family reassures an offender that his family loves him and still needs him, and this may encourage him to behave well while incarcerated. Mr D must be assisted to maintain a relationship with his family, particularly his brother. Due to Mr D's cousin being an illegal foreigner, he cannot visit him, and the relationship between Mr D and his

girlfriend is also broken. Although Mr D's girlfriend (Pauline) cannot be forced into a relationship with the offender, the relationship between the offender and his children can be re-established.

- Early onset of truant and anti-social behaviour and disrespect for the law: Mr D previously absconded from his home, and he also intended to harm another child by throwing a stone at him. This is a clear indication of a lack of respect for his parents' authority and early onset of truancy. Hesselink-Louw (2004:240), Klein (2016:350) and Rocheleau (2013:365) cite that previous criminal behaviour predicts future behaviour, and this poses a risk for reoffending. It can thus be argued that Mr D's disrespect for authority and anti-social behaviour emanate from his childhood. Hence he decided to trade in stolen goods despite knowing that it is illegal to do so.
- Inability to form and maintain meaningful relationships: Mr D exhibited an inability to form and maintain meaningful relationships. He disclosed that he enjoyed several relationships while residing in Zimbabwe, but those relationships never lasted because he could not maintain them. Children with a lack of attachment to their parents often struggle with maintaining a meaningful relationship as adults (Asscher, Wissink, Dekovic, Prinzie & Stams 2014:1002; Sherwood, 2018:1; Wyse, Harding & Morenoff, 2014:3). Mr D was never attached to his father, and although he was closer to his mother, she died whilst the offender was still a teenager. It can be argued that due to poor bonds with his parents, Mr D struggled to maintain meaningful intimate relationships. His lack of commitment in relationships is further corroborated by his nonchalant attitude to contacting his ex-girlfriend as he thinks that she might be involved with another man, and therefore he does not want to interfere with her relationship, even though this might ensure contact with his children.
- Pro-criminal attitude and willingness to engage in crime: Mr D reflected a pro-criminal attitude and a willingness to engage in crime. A pro-criminal attitude is a criminogenic need that propels an individual to engage in criminal activities (Simourd *et al.*, 2015:1426; Whited *et al.*, 2017:492). Despite Mr D being employed as a gardener, he fostered a relationship with criminal friends and traded in stolen goods.

- Lack of morals and values: Mr D portrays a lack of morals and values. Influenced by his lack of morals and values, he traded in stolen goods, associated with criminals, and provided a market for them, despite being aware that purchasing and selling stolen goods perpetuates crime. Individuals with a lack of morals and values regard buying stolen goods a bargain when compared to buying legitimate goods, as the goods can later be resold at a higher price (Green, 2017:1; Risser & Eckert, 2016:72).
- Criminal association: Mr D still has contact with his criminal friend Harold, and this might be a risk for reoffending as they might be involved in criminal activities after he is released. Adding on this, Bezuidenhout (2013:83) and Sun (2013:40) state that associating with criminal friends, and a lack of support systems exacerbate the risk for reoffending; thus, Mr D's association with his criminal friend needs to be addressed especially because he was well known in the community as a purchaser and a seller of stolen goods.
- Lack of empathy: Mr D depicted a lack of empathy for the victims of his crime and considered his involvement in a crime as insignificant as he had no contact with the victims. Paciello, Masi, Clemente, Milone and Muratori (2017:592) warn that offenders who display a lack of empathy for their victims are susceptible to relapse to crime because they are inconsiderate of victim feelings and loss. Hesselink (2015:9) and Shahidullah (2017:460) articulate that a lack of empathy is a criminogenic need that is amenable to change and, if well addressed, the offender can develop a sense of empathy for others.
- Lack of skills: Mr D possesses no skill that may assist him in securing employment, and this poses a risk for him to relapse to crime post-release. It is important for Mr D to be equipped with either educational or vocational skills so that he may secure employment post-incarceration. Education and vocational skills may reshape and transform an offender's criminal mindset, enhance his personal development, and increase his employability and aid him to desist from crime (Siegel & Bartollas, 2016:250; Rocque *et al.*, 2017:594; Taylor, 2016:6).

5.2.3.14.5 Mr D's Risks of Reoffending

- Early onset of truancy: Mr D previously absconded from his home and intended to harm another child (stone throwing incident). Klein (2016:350)

states that previous criminal behaviour predicts future behaviour, and this poses a risk for Mr D to re-offend.

- Lack of support system: Mr D lacks a support system as he has no contact with his brother, his girlfriend, or his children. Lack of support during incarceration is a risk for an offender to relapse into crime (Wallace *et al.*, 2014:15). Financial and emotional support from the family dissuades offenders from being involved in illegal activities (gangs and smuggling contraband items) inside a correctional centre (Gouws, 2015). Offenders who have contact with their families often behave well as they do not want to disappoint their families (Gouws, 2015). On the other hand, Lekalakala (2016:96) notes that an offender without a support system finds incarceration unbearable and can easily engage in recalcitrant activities inside a correctional centre and post-release.
- Unstable employment history and lack of skill: Mr D displayed an unstable work history; he worked as a gardener for a year (from 1999 to 2000). He also worked in construction for a year (from 2000 to 2001), and this depicts that Mr D might not work long at a job even if he is offered a job after being released. Unemployment and unstable work history are cited as gateways to crime and to associate with criminals as they offer individuals an opportunity to loiter around and also regarded as risks for reoffending (Bezuidenhout, 2013:71; Weerman & Bijleveld, 2014:142). Mr D's lack of vocational skills decrease his chance of securing employment, and this is a risk for reoffending as he might easily relapse into crime if he fails to secure employment.
- Lack of empathy: Mr D exhibited a lack of empathy for the victims of his crime, and he regarded his involvement in a crime as minor as he had no contact with the victims. A lack of empathy for victims exacerbates the offender's risk to further engage in crime because the offender has no regard of his victims' feelings and loss (Shahidullah, 2017:460; Trivedi-Bateman, 2014:3).
- Criminal association: Mr D associated with criminal friends, and he admitted that he still has contact with one of his criminal friends. A criminal association is regarded as a risk for reoffending as the offenders are more likely to be influenced by their friends to further engage in criminal activities post-release (Rokven *et al.*, 2017:700; Sun, 2013:40).

- Pro-criminal attitude: Mr D depicted a pro-criminal attitude as he believed buying and reselling stolen goods provided a lucrative business. A pro-criminal attitude renders an individual susceptible to criminal influences and aggravates a person's chance of reoffending (Banse *et al.*, 2013:677).

5.2.3.15 Theoretical Explanation of Mr D's Criminal Behaviour

To adequately explain Mr D's criminal behaviour, two theories are utilised, namely Gresham Sykes and David Matza's Neutralisation theory (1957) and Michael Gottfredson and Travis Hirschi's General theory of crime (1990). The Neutralisation theory suggests that criminals are not only involved in criminal activities but also involved in other legal activities (such as working a legitimate job) and this is referred to as 'drift' as they move from noncriminal to criminal behaviour and vice versa (Barlow & Kauzlarich, 2010:85; Siegel, 2013:241; Stohr & Walsh, 2012:87). Mr D was not only involved in criminal activities and associated with criminals by buying and selling stolen goods, but he was also employed as a general worker at Hartebeespoort Dam. Thus, Mr D was drifting from criminal to legitimate activities. Below are five neutralisation techniques that fit very well in explaining Mr D's criminal behaviour (Jantz & Morley, 2018: 2767; Kirwan & Power, 2013:23):

- ❖ **Denial of responsibility:** Mr D migrated to South Africa after his parents died and resided briefly with his friend in Soshanguve (Pretoria, Gauteng Province) and later relocated to Hartbeespoort (North West Province). He erected his own shack and survived by working odd jobs in gardens. Mr D mentioned that the money raised from odds jobs was insufficient to cater for him, his girlfriend and children, and he started buying stolen goods from criminals and resold them at a higher price. Mr D admitted guilt but attributed his crime to poverty and lack of employment opportunities, and thus denied responsibility for his crime. Offenders oftentimes assert that their criminal behaviour is due to forces beyond their control, such as unemployment, poverty, and bad companions (Newburn, 2013:236).
- ❖ **Denial of injury:** Mr D denied injury because he mentioned that he did not steal the goods himself but that he was buying and selling stolen goods. Due to Mr D's lack of empathy and morals and values, he was inconsiderate towards the victims, and he believed that he did not hurt anyone. By denying the wrongfulness of crime, offenders can neutralise their criminal behaviour

and claim that since no one was hurt physically the act was not a crime (Borgeson & Kuehnle, 2012:18; Neville *et al.*, 2016:175; Trivedi-Bateman, 2014:3).

- ❖ **Denial of the victim:** Although Mr D admitted that his behaviour was criminal as he promoted crime by buying stolen goods; he asserted that his crime “...*is not that bad*” because he did not know the victims. His assertion that his crime is insignificant corroborates the argument that he displayed a pro-criminal attitude and thinking pattern. Offenders may also deny the victims by claiming that their crime was victimless because the victims are invisible and they do not know them (Dastile, 2015:137; Walsh & Hemmens, 2014:154-155; Siegel, 2016:234). Furthermore, his claim that his crime ‘is not that bad’ because he did not steal the goods directly from the victims depicted his lack of empathy for the victims. Offenders often neutralise their criminal behaviour by considering their actions noncriminal and stating that they did not steal the goods directly from the victims, but they were customers who benefited from the sale of stolen goods (Fox & Levin, 2015:75; Neville *et al.*, 2016:175).
- ❖ **Condemnation of the condemner:** According to Schmallegger (2014:94) and Siegel (2016:234), offenders also claim that society made them who they are and that society must suffer the consequences. Mr D claimed that his employer was not paying him enough to cater to the needs of his family, and he supplemented his income with profits from crime. Due to Mr D’s sense of entitlement, and a pro-criminal attitude, he was willing to engage in crime and associated with criminals, provided a market for them, and earned extra money. Corroborating this argument, Lantz, and Hutchison (2016:659) maintain that persons with pro-criminal mindsets attract criminal peers, and this may reinforce the group’s motivation to commit crime because they think alike.
- ❖ **Appeal to the highest authority:** People may neutralise social controls such as being educated, being employed and having morals and values by sacrificing the demands of the larger society, such as being a law-abiding citizen, for the demands of the smaller social groups to which they belong (Copes & Deitzer, 2015:30; Hagan, 2014:171). For instance, Mr D mentioned that for him to fulfil the needs of his family and to provide them with shelter and food, he had to buy stolen goods and resell them at a higher price. This

supports the debate that Mr D displayed a lack of morals and values; poor decision-making skills and a willingness to engage in crime. Hesselink and Mostert (2014:45) denote that people with the aforementioned traits are more likely to commit a crime or to relapse into crime.

The second theory that appropriately explains Mr D's behaviour is Michael Gottfredson and Travis Hirschi's General theory of crime (1990). The General theory of crime cites that a fundamental cause of anti-social behaviour and delinquency is low self-control (Tibbetts & Hemmens, 2015:322). Self-control is regarded as an individual characteristic established at an early age development, which stabilises as an individual grows into adulthood (Burke, 2014:302). Gottfredson and Hirschi maintain that individuals who suffer from a self-control deficit due to early family experience (divorce or parental death) are more inclined to be insensitive and short-sighted or risk-takers (Hagan, 2013:74). This is the case with Mr D - his truant behaviour at an early age (stone throwing incident and his disappearance from home) shows that he suffered from a self-control deficit from an early age. Although Mr D's parents disciplined him for his unruly behaviour, their sudden death, and a subsequent lack of parental supervision to monitor his behaviour, exacerbated his lack of self-control and made him susceptible to engage in criminal behaviour. Supporting this, Meldrum, Connolly, Flexon and Guerette (2016:1625) and Walsh and Hemmens (2014:194) add that death or divorce of parents can have an adverse effect on the self-control of children because it may shatter their dreams and optimism. It can thus be argued that the death of Mr D's parents might have affected his self-control, and this resulted in him being insensitive to others, lacking in empathy for victims, and developing a pro-criminal attitude which encouraged him to associate with criminals and trade stolen goods.

5.2.3.16 Recommendations to address Mr D's Criminogenic Needs and Risks

Mr D's immediate need, which is rebuilding a support system is exceedingly difficult because his cousin and his friends cannot visit him because they are also illegal foreigners. The offender can only be encouraged to communicate with his family and significant others through postal mail and telephone. Since the offender relies on handouts from other inmates, it is recommended that the offender is seen by the CMC for the possible allocation to work within the correctional centre. Through the

gratuity offered for working in a correctional centre, Mr D may purchase a telephone card and be in contact with his family.

For the offender's rehabilitation, it is recommended that he be further assessed by a social worker with the aim of placing him in individual and group therapy to address his criminogenic needs and risks; pro-criminal attitude, and willingness to engage in crime, lack of morals and values, criminal association, and lack of empathy for victim.

In order to better Mr D's education, it is further recommended that he be assessed by an educationist with the aim of placing him on ABET courses offered at the correctional centre. Lastly, Mr D must attend life skills and economic crime correctional programmes so that he can acquire new life skills to raise money without committing a crime.

5.2.3.17 Case Study Five: Mr E

The case study below narrates the childhood; adulthood and criminal life history of a Zimbabwean foreign offender named Mr E. Causes, contributory factors and motives of criminal behaviour are identified from which the offender's needs and risks will be determined for rehabilitation purposes.

5.2.3.17.1 Crime and Criminality

Mr E is a first-time offender in South Africa, and he revealed that in his native country, he was neither arrested nor convicted of any crime. Mr E was arrested for armed robbery in 2006 and was convicted and sentenced in 2007. The crime was committed in Mokopane (former Potgietersrus) in Limpopo Province. He was sentenced to 15 years imprisonment. Mr E was 34 years of age when he committed this crime. The offender never denied his crime but was reluctant to talk about it. He even asked the researcher whether his crime will serve any purpose in the research. The researcher explained to the offender that talking about his crime is particularly important because the main aim of the study is to analyse his crime and criminal behaviour in order to indicate causes, motives, contributing factors, and criminogenic needs and risks.

Mr E explained that the crime was premeditated and committed in a group context. He and four Zimbabwean friends resided at Alexandra township in Johannesburg (Gauteng Province) and survived by committing crimes. One of his friends was

previously employed at a farm in Mokopane. The offender revealed that the owner of the farm was breeding livestock and selling meat such as beef, lamb/mutton, and pork. His friend provided them with information about the farm, the farmer's routine, and where he saved the money before he took it to the bank. The offender, his four Zimbabwean friends and three South Africans were together on the day of the crime. According to Mr E, the firearms and the vehicle that transported them to the farm was organised from Diepsloot in Johannesburg as his criminal friends knew a person with a vehicle and illegal firearms. Although the offender had criminal friends, he mentioned that it was his first involvement in crime since he was born. He stated that he needed cash instantly, and he decided to join his friends in committing a crime.

On the day, the crime was committed Mr E, and his friends drove to Mokopane. They left the vehicle with the driver at the main road and walked to the farm. This was done to escape the crime scene on foot by running into the bush and then getting to the vehicle on the main road without being noticed. From the information they received from one of their accomplices, who was previously employed at the farm, the domestic worker had keys to the main house where the safe was. When they got to the farmhouse, they went to the bungalow and held the domestic worker at gunpoint. They threatened her and demanded the keys to the main house. The domestic worker gave them the keys, and they walked her to the main house at gunpoint. Other farm workers who resided on the farm did not notice this because their bungalows are separate from the domestic worker's and the main house.

As they came closer to the main house, the wife of the farm owner who was inside the house, realised that they were being attacked. She opened fire on them. According to the offender, although the farm owner's wife opened fire; they never shot back at her. Mr E and his accomplices hid until she emptied the bullets in her firearm. They then broke the locked door and held the wife at gunpoint. She was instructed to open the safe, and she complied with their instruction. While the offender and his accomplices were opening the safe, the farm owner drove into the homestead. The farm owner realised that his farm was attacked, and he immediately left the farm and rushed to a nearby police station. The offender and his accomplices ran away with an undisclosed sum of cash. The police rushed to the farm and searched the area. The driver of the get-away vehicle (who also owned the vehicle) was found inside the vehicle and was arrested as a suspect because he was in the

vicinity, and his car was stationary. Mr E and his other accomplices ran in the bush for ten kilometres and made it to the main road, far from the farm. During that night, the police patrolled the surrounding area. Mr E and his accomplices were arrested during the morning of the following day when they were hitch-hiking to Mokopane. The offender disclosed that although their crime was premeditated, they never visited the area to establish an escape route. They relied on their co-accused who previously worked on the farm.

5.2.3.17.2 Mr E's Family of Origin's Background

Mr E is the firstborn of five children. The offender's father was born in 1947, and he was a legal immigrant in South Africa and had a passport. He immigrated to South Africa in the 1960s and was later granted South African citizenship.

Mr E's father was customarily married to Mr E's mother (Jane) who was born in 1953. The offender explained that he could not articulate his parent's relationship because he was very young when his father came to South Africa. When his father visited home (on occasion), Mr E was young and could not remember seeing his parents together. His father's subsequent imprisonment led to him not going home for years, and this resulted in the separation of Mr E's parents.

5.2.3.17.3 Mr E's Parents' Educational and Work History

Mr E was uncertain about his father's qualifications but stated that his father never had permanent work but survived on odd jobs, particularly garden work. The offender does not know his mother's qualification, but he mentioned that his mother never worked because she was a homemaker. The offender and his mother resided with his paternal grandmother and survived on her old-age government grant.

5.2.3.17.4 Parents' Criminal and Substance Abuse History

The offender revealed that his father was once arrested and sentenced to eighteen years imprisonment, which he served at Leeuwkop Correctional Centre (Fourways, Gauteng Province). Nonetheless, the offender could not explain the crime that his father was incarcerated for because he was still in Zimbabwe when his father was incarcerated. He stated that his father was reluctant and embarrassed to speak about his crime, but Mr E heard from their neighbour that his father was convicted of robbery though he was not informed about the detail of the crime.

Mr E's father was a non-smoker, and he never used drugs but used alcohol. His father relocated to Zimbabwe in 2005, and he died in 2011 from a stroke. Regarding Mr E's mother's criminal and substance abuse history, Jane was never arrested, and she never used alcohol and drugs.

Jane cohabitated with another man as her husband was always absent. She left her son (Mr E) with his paternal grandmother. Jane died in 2013 after a long undisclosed illness and was buried at her home in Zimbabwe.

5.2.3.17.5 Mr E's Developmental History

As already stated, Jane left Mr E with his paternal grandmother and cohabitated with another man, and that relationship culminated in a marriage. Three of the offender's half-siblings were born from that marriage. Jane's marriage weakened the relationship between her and Mr E because she never visited to check on him. Mr E mentioned that since his mother left him with his paternal grandmother, he only saw her once during school holidays when the offender visited his uncle. His uncle resided in the same village as his mother, and when his mother heard that her son was around, she went to see him.

Staying in different villages far apart from each other and not visiting each other resulted in the offender not forming any relationships with his half-siblings. However, with the little knowledge he has about his siblings, Mr E explained that none of them used drugs, and none of them was arrested or incarcerated. However, Godfrey, his younger half-brother used to smoke cigarettes.

Mr E mentioned that although he was not abused as a child, life was not easy for him. Every day after school, he had to take care of the family's cattle, and this offered him no chance to do his homework. It resulted in him failing at school. Mr E explained that he resided with his grandmother and paternal uncle (a brother of his father). His uncle would beat him if the cattle went missing, and every time small items (such as money) could not be located in the house, the offender was accused of theft.

5.2.3.17.6 Intimate Relationships

Mr E is not married. He dated three Zimbabwean ladies before he dated the mother of his daughters. Mr E's first girlfriend was unfaithful and impregnated by another man, and because of this, he ended the relationship. His second girlfriend stole his

money. When Mr E moved to South Africa, his third girlfriend dated another man, and when Mr E went back to Zimbabwe, he found out that she was committed to her new relationship.

Mr E has two daughters with his Zimbabwean girlfriend (Margret). Their first-born child is 17 years old, and the second child is 11 years old. Their two daughters have always stayed in Zimbabwe with their maternal grandmother (mother to the offender's girlfriend). Mr E's girlfriend once resided in South Africa, but she has returned to Zimbabwe. Margret was born in 1977, and incidentally, they share the same surname but are not related. She left school in Standard 7 (Grade 9) and never worked in Zimbabwe. Margret came to South Africa in 2010 and worked as a domestic worker in Bedfordview (Gauteng Province). Margret never used drugs; she was never arrested and is a non-smoker and teetotaler.

Mr E asserted that since he and Margaret began dating, their relationship has always been good. They financially and emotionally supported each other in all their life challenges (during unemployment periods), and they never experienced conflict. Since his incarceration, Margret visited him once in 2013. Mr E is not sure whether he and Margret are still in a relationship because according to him “...*she has changed*”. When the offender calls her, she does not provide encouraging words as before, and he noted that she “...*sounds pessimistic*”. Although Mr E did not want to disclose the pessimistic words, it is clear that Margret has lost interest in their relationship. Nevertheless, Mr E cited his incarceration as the sole reason he and Margret separated.

5.2.3.17.7 Access to South Africa

Mr E is an illegal immigrant in South Africa. He immigrated to South Africa in 1992 by jumping the border fence near Beitbridge. Upon jumping the border fence, he boarded a taxi to Johannesburg. When Mr E immigrated to South Africa, his father was already in the country and residing in Alexandra township (Gauteng Province). Mr E went to stay with his father.

5.2.3.17.8 Denomination

Mr E's family are members of the Seventh Day Adventist Church, but Mr E has never attended the church services, even before being incarcerated. Mr E does not participate in any church activities inside the correctional centre.

5.2.3.17.9 Educational Background, Achievements and Leadership

Mr E played soccer during his primary and high school years. He was awarded a trophy and a medal for being a top goal scorer. Mr E was a class monitor when he was in Standard 4 (Grade 6) and Standard 5 (Grade 7). He was also a captain of his secondary school's soccer team.

In both primary and secondary school, Mr E mentioned that he related well with his fellow learners and teachers. He was never bullied, and he never bullied other learners. He never displayed anti-social behaviour, nor did he associate with deviant friends, and never used drugs while at school. Although the offender performed well at soccer, he failed Grade 4 and Grade 8. He attributed his failure to not having adequate time at home to complete his school work. The offender once missed classes and was punished by the principal after his grandmother gave the approval to punish him. Mr E stopped attending school when he was in Grade 11. Throughout his school days, Mr E never carried a lunch box to school. Mr E ate breakfast at his home before leaving for school and ate again in the afternoon when he came back from school. However, Mr E stated that his maternal grandparents did not stay that far from the school and on some of the days he would go eat lunch at their home.

5.2.3.17.10 Employment History

The offender has never been employed in his native country. He worked in South Africa at a painting company from 1995 to 1998. The company was owned by an individual who received contracts to paint houses, and Mr E was a painter in this company. Mr E quit his job because he could not endure the smell of paint and felt that it was better to quit the job than risk his health. He then worked as a cleaner at a bar in Sandton City (Gauteng, Province) from 2002 to 2003. He was offered a better paying job at a garden service company and worked there from 2003 until he was arrested for the crime, he was sentenced for. Mr E mentioned that at all the companies he worked for, he related well with his colleagues, his supervisors, and employers.

5.2.3.17.11 History of Alcohol and Substance Abuse

Mr E started smoking cigarettes in 1990 and started drinking alcohol in 1994. He was an occasional drinker as he used alcohol only on weekends. He never used drugs,

and he quit smoking in 2011 while serving his current sentence. Mr E is not involved in any deviant activities such as smuggling drugs into the correctional centre.

5.2.3.17.12 Behaviour During Incarceration

Mr E is behaving very well-behaved, and he has no further charges or disciplinary cases against him. He has adapted very well to the correctional environment, and he is the secretary of one of the soccer teams within the correctional centre.

5.2.3.17.13 Qualifications Obtained While Incarcerated

The offender explained that he left school in Form 4/Standard 9 (Grade 11). After being sentenced, the offender seized the opportunity offered by the DCS and completed levels three (equivalent to Grade 7) and four (equivalent to Grade 8) ABET. Mr E has also completed National Certificate level 1 (N1), National Certificate level 2 (N2) and at the time of the interviews was busy with his National Certificate level 3 (N3) in mechanical engineering studies. In addition, he has completed Biblical Studies and HIV/Aids courses. He is currently a mathematics tutor for ABET level 6 (equivalent to Grade 10) at the correctional centre's school section.

5.2.3.17.14 Support Structure During Incarceration

Mr E receives support from his younger half-brother Godfrey, and his two Zimbabwean cousins who are in South Africa. He mentioned that Godfrey is in South Africa and resides in Hillbrow (Johannesburg, Gauteng, Province). Although his cousins do not visit him, they communicate telephonically. The last time Godfrey visited him was in December 2013. They communicate through the phone most of the time because Godfrey is not permanently employed and survives on odd jobs and is thus unable to visit him frequently.

According to the offender, Godfrey is legally in South Africa because he has a passport, and he managed to visit him. Regarding his two half-sisters, the last time Mr E heard about their whereabouts was when they were working in Botswana. Mr E does not have any other criminal friends; besides, the ones he committed the crime with, and all his noncriminal friends deserted him when he was arrested. He has also lost contact with his accomplices to the crime. Although the offender communicates with two of his cousins and his younger half-brother, none of them assists him financially, Mr E survives on the money he earns for tutoring mathematics in the correctional centre.

5.2.3.17.15 Social Work and Psychological Treatment Rendered

Mr E never attended a social work programme, but a social worker is assisting him with family matters though he has never received any therapy in preparation for a family meeting. The offender has also not received any psychological services.

5.2.3.17.16 Short-term and Long-term Goals

The offender would like to complete N3 in mechanical engineering before he is released from the correctional centre. Upon his release, he would like to search for a job and work, which drives him to work hard to complete his qualification. If he fails to secure a job, he will explore the opportunity of opening a small business, though he is not sure what kind of business.

5.2.3.18 Criminological Analysis of Mr E's Criminal Behaviour

Below, Mr E's criminal behaviour is analysed with regard to the causes, contributory factors, and the motives of his criminal behaviour to determine his needs and risks.

5.2.3.18.1 Causes of Mr E's Criminal Behaviour

The following are identified as causes of Mr E's criminal behaviour:

- Poverty and illiteracy: Living in poverty, being illiterate and being an illegal foreigner resulted in Mr E not being able to find a decent job, and he resorted to crime. Poverty, illiteracy, and unemployment are cited as major factors that lead people to commit a crime (Ilan, 2015:89).
- Lack of positive role models and parental separation: The separation of Mr E's parents and lack of positive role-models contributed to his criminal behaviour. Divorce or separation by parents can adversely affect children and substantially increase their risk of dropping out of school and committing crimes (Baglivio & Epps, 2016:182; Seymar & Hairston, 2017:4; Wright *et al.*, 2015:197). Mr E's father was convicted and sentenced to eighteen years for robbery whilst his mother cohabitated with another man. The absence of both of Mr E's parents in his life had negative effects on his upbringing, he underperformed academically, and was subjected to harsh punishment and often accused of stealing misplaced money in the house. Harsh and inconsistent discipline can be detrimental to the development of children as they may turn to crime sooner rather than later (Wright *et al.*, 2015:200). Summing-up the effect of parental incarceration on children, Porter and King (2015:415) and Baglivio and Epps

(2016:182) found that children with incarcerated parents are more likely to have deteriorated school performance and are at risk of engaging in criminal behaviour.

- Crime-prone area: Due to Mr E residing in a crime-prone area (Alexandra), and associating with criminals, he joined criminal activities as he saw his criminal friends with luxury resources (cars, jewellery and clothes) though they were not working. Manala, (2017a:1) avers that Alexandra is a crime-prone township in Gauteng. Supporting this, Banks (2013:287) and Siegel (2016:225) state that a crime-prone environment may easily breed criminals and associating with criminals increases the risks of an individual committing or relapsing into crime.
- Financial desperation: Mr E was desperate for money. He disclosed that although he associated with criminal friends, it was his first involvement in a crime, which portrays that he was desperate for money. Poverty and financial desperation are closely related to crime (Bhorat, Lilenstein, Monnakgotla, Thornton & Van der Zee, 2017:3), meaning that having a pro-criminal attitude and a willingness to engage in crime, coupled with poverty aggravates an individual's chance of committing a crime (Winterdyk, 2018:168).

5.2.3.18.2 Contributing Factors of Mr E's Criminal Behaviour

- Lack of self-control and instant gratification: Mr E showed a lack of self-control. He asserted that he committed his crime because he needed instant cash. This portrayed a lack of self-control as the offender could not wait until he was paid by his employer. A lack of self-control and instant gratification tendencies are underscored as factors that exacerbate an individual's propensity for committing a crime (Robin, 2015:5).
- Lack of positive role-models and a crime-prone environment: Being forsaken by both of his parents, staying with his grandparents, and enduring harsh punishment from his uncle, had a negative impact on Mr E. Harsh and inconsistent discipline can be detrimental to the development of the child as they may turn to crime (Wright *et al.*, 2015:200). Mr E's academic performance deteriorated, and he failed Grade 4 and Grade 8. He attributed his failure to not having adequate time at home to complete his school work as he had to shepherd the family cattle after school hours. Mr E had no

positive role-models because his uncle mistreated him, and his father was sentenced to eighteen years for robbery. Incarceration of a parent has detrimental consequences on their children's emotional wellbeing and hampers the development of parent-child relationships, and thus increases the risk of them committing a crime in future (Dennison, Smallbone & Occhipinti, 2017:17; Källström, Hellfeldt & Nylander, 2018:02; Sharrat, 2014:761). After immigrating to South Africa illegally, Mr E resided with his father, who was an ex-offender. Although Mr E stated that his father never shared details of his crime with him, it might be that residing with his father instigated and ignited his propensity to commit a crime. Children with imprisoned fathers are at risk of committing a crime (Flynn & Butler, 2018:111; McGinley & Jones, 2018:3).

- Lack of morals and values: Mr E stated that he needed cash instantly, and he decided to join his friends in committing a crime. This portrays that Mr E had no regard for the rule of law due to his lack of morals and values. Individuals with no morals and values are inclined to commit crime because they have no regard for the law (; Hesselink & Mostert, 2014:45; Liebling *et al.*, 2017:200; Scarpati & Pina, 2017:116).
- Lack of family bond and parent-child relationships: It is clear that there was no parent-child relationship between Mr E and his parents as they deserted him and left him to be raised by his paternal grandparents. Furthermore, the lack of a father-son relationship between Mr E and his father led to him not learning from his father's experience that crime does not pay. Boys who lack a relationship with their fathers are inclined to associate with deviant peers and to display recalcitrant behaviour (McGinley & Jones, 2018:3; Sharrat, 2014:761). The risks of them being criminals are even higher when their fathers are imprisoned (Porter & King, 2015:416). The lack of bond between Mr E and his mother resulted in a lack of bond between the offender and his half-siblings, and he does not receive adequate support from his half-siblings.
- Childhood abuse, neglect, and abandonment: Although Mr E fails to realise that he endured abuse, what he disclosed was obvious signs of abuse. He was abandoned by his parents, and every day after school, he shepherded the family's cattle, which meant he had no chance to do his homework. This resulted in him failing at school. Fox *et al.* (2015:168) explain that

experiencing trauma and abuse during childhood affect one's academic performance and increases the likelihood of committing a crime. Whipping was a common method employed by his uncle to punish him, especially when the cattle went missing and Mr E was often accused of stealing money. Apart from harsh discipline at home, his grandmother approved corporal punishment by the principal, for missing school. Corporal punishment has a deleterious effect on the development of children as it promotes violence, and children who are subjected to corporal punishment are susceptible to recalcitrant behaviour (Chong & Yeo, 2018:2; Makwetla, 2018:1; Siegel, 2016:222; Wright *et al.*, 2015:200). This resulted in Mr E dropping out of school in Grade 11. According to Swisher and Dennison (2016:841), dropping out of high-school is associated with committing crime because an individual has more time to wander around as he is not occupied with any meaningful task while attaining college qualifications decreases adult incarceration.

5.2.3.18.3 Motives of Mr E's Criminal Behaviour

- Pro-criminal attitude and thinking patterns and a willingness to participate in criminal behaviour: Mr E was willing to engage in criminal activities and cited financial desperation as a reason for his criminal behaviour, and this clearly shows that Mr displayed a pro-criminal attitude and thinking patterns. A supportive crime attitude, often referred to as pro-criminal attitude, is identified as a prime factor that can easily influence an individual to engage in criminal behaviour (Leverso *et al.*, 2015:68; Spruit, Van der Put, Gubbels & Bindels, 2017:70; Ward & Fortune, 2016:82).
- Risk-taking behaviour and opportunistic attitude: Mr E exhibited a risk-taking attitude. Despite him being employed, he decided to engage in criminal activities. He acknowledges that his crime was premeditated, and he needed money instantly. Risk-taking behaviour and an opportunistic attitude are cited as personal traits that can easily influence an individual to engage in crime (Hallingberg, Van Goozen & Moore, 2016:190). It can, therefore, be deduced that Mr E engaged in crime due to his risk-taking behaviour and opportunistic attitude.

5.2.3.18.4 Mr E's Criminogenic Needs

- Negative role-models: Mr E grew up without his parents being involved in his upbringing and development; his mother abandoned him, and she married another man while his father was serving a sentence of imprisonment in South Africa. Although Mr E was young at the time of his father's incarceration, he was aware that his father was sentenced to eighteen years for robbery. Hesselink-Louw (2004:262), Flynn and Butler (2018:111) and Mabusela (2014:60) cite that there is a direct link between a negative father-child relationship, poverty, and criminality. Children of incarcerated parents are more likely to portray the same behaviour that resulted in a parent's incarcerations (Flynn & Butler, 2018:111; Siegel, 2016:222). This has been the case with Mr E, he followed his father's criminal career and committed the same crime (robbery) as his father.
- Lack of parent-child relationship: Although Mr E is now an adult, a lack of relationship with his parents had an adverse effect on him as he was unable to maintain intimate relationships, and he admitted that he dated three Zimbabwean ladies before he dated the mother of his daughters. Individuals who don't enjoy good relationships with their parents during childhood often find it difficult to maintain intimate relationships with their partners (Brogaard, 2016:1; Clarke-Stewart & Parke, 2014:120). Mr E's lack of commitment to intimate relationships is corroborated by his lack of concern over re-establishing a relationship with his girlfriend and daughters.
- Lack of support structure: Mr E exhibited an inadequate support structure (financial and emotional) pertaining to his family, and this resulted in him having to work as a tutor to raise money so that he can telephone his significant others. Since 2013, his relationship with the mother of his children has deteriorated because they have no communication, and Mr E is not even sure if the mother of his children still loves him. Mr E needs to be assisted in establishing contact with his children as they are now grown up. The offender's children are forced to live the same life that the offender lived, to grow up without the involvement of their father. The offender's father was incarcerated when he was growing up, and with the offender's absence in his daughters' lives, a vicious cycle of absent fathers continues. Moreover, crime

runs in the offender's family because his father also served imprisonment. Sharing the same sentiment, Meldrum *et al.* (2016:1625), Porter and King (2015:415) and Wright *et al.* (2015:199) enunciate that children of criminal parents are more likely to turn to crime because of their exposure to immoral role models who disregard the law.

- Pro-criminal attitude and thinking patterns and willingness to engage in crime: Mr E portrayed a pro-criminal attitude and thinking patterns. Although he was employed in garden services, he was willing to premeditate robbery with his criminal friends, and they attacked a farm. Heffernan and Ward (2017:130) and Wooditch *et al.* (2014:295) state that a pro-criminal attitude and thinking patterns are fundamental criminogenic needs that must be addressed whilst the offender is incarcerated. A pro-criminal attitude and thinking patterns, and willingness to engage in crime, are identified as traits that influence an individual to associate with criminal friends (Leverso *et al.*, 2015:68; Ward & Fortune, 2016:82). Due to his pro-criminal attitude and thinking, Mr E easily related with criminal friends and subsequently planned and executed a robbery with them.
- Criminal association: Mr E admitted that he associated with criminals and disclosed that his four Zimbabwean friends resided in Alexandra township and survived through criminal activities. A criminal association is underscored as an essential criminogenic need that makes an offender susceptible to criminal influence because the more time an individual spends with criminal friends, the more they share common ideas (Farrington, 2015:390; Whited *et al.*, 2017:501). Bonta and Andrews (2017:55) warn that if the criminal association is not addressed and dealt with during incarceration, the offender is more likely to re-associate with criminals and relapse to his criminal lifestyle after release. Due to Mr E's susceptibility to criminal influence, he should be persuaded to disassociate from his criminal peers, in order to avert a relapse into crime. Tibbetts and Hemmens (2015:346) caution that proneness to criminal influence and association with criminal peers, increase the likelihood of reoffending.

5.2.3.18.5 Mr E's Risks of Reoffending

- Negative role-models: Growing up without both of his parents; his mother had deserted him, and his father incarcerated, Mr E had no positive role-models to look up to. Parental involvement in crime is presented as a risk factor because their children tend to follow the same path as adults, or to emulate their parents in future (Flynn & Butler, 2018:111; Mabusela, 2014:60). Although Mr E is equipping himself with education, his family background may influence him to resort to crime should he not secure employment post-release. Flynn and Butler (2018:111) and Siegel (2016:222) state that family relationships are major determinants of criminal behaviour, and individuals who reside in families without love and support are susceptible to criminal influence.
- Pro-criminal attitude and thinking patterns and willingness to engage in crime: Mr E exhibited a pro-criminal attitude and thinking patterns. According to Van Damme, Fortune, Vandeveld and Vanderplasschen, (2017:179), a supportive crime attitude exacerbates an offender's probability of reoffending because individuals with pro-criminal attitudes are easily influenced to commit a crime.
- Criminal association and criminal neighbourhood: Mr E had criminal friends, and he was susceptible to criminal influence, and this might result in him relapsing to crime particularly if he returns to reside in Alexandra upon his release. According to Tebbetts and Hemmens (2015:298), criminal association, and residing in a crime-prone environment, may easily influence an individual to engage in crime.
- An inadequate support structure: Mr E exhibited an inadequate support structure (emotional and financial support) from his family. Offenders without family support are more prone to commit further crimes, violate correctional centre rules or join gangs while serving their incarceration term, and this may then result in further charges being brought against them due to their misbehaviour (Brunton-Smith & McCarthy, 2017:464; Gouws, 2015; Wallace *et al.*, 2016:5). Support from family members and significant others is paramount as it keeps an offender focussed on his rehabilitation programmes and education (Atkin-Plunk & Armstrong, 2018:2; Kotova, 2017:1).

- Inability to sustain intimate relationships: Mr E displayed an inability to sustain intimate relationships. He dated several women in Zimbabwe before settling with the mother of his daughters. He is also unmotivated to rekindle his relationship with the mother of his daughters. An inability to commit to an intimate relationship is cited as a risk for reoffending (Andersen *et al.*, 2015:496; Wyse *et al.*, 2014:366) An offender who is married or committed to his partner is less likely to commit crime because marriage responsibilities leave a person with little opportunity to commit crime (Siegel, 2016:297).

5.2.3.19 Criminological Explanation of Mr E's Criminal Behaviour

As a child, Mr E endured rejection, abandonment and neglect from his mother and was abused by his paternal uncle. He also grew up without a positive role model, as his father was imprisoned. Mabusela (2014:75) found that hardship during childhood (lack of relationship with biological parents and siblings, poverty, lack of positive role-models, being accused of stealing missing or misplaced items in the house) contribute to criminal behaviour. When Mr E migrated to South Africa, he stayed with his father who was also an ex-convict, and they resided at Alexandra township, an area considered crime-prone in Gauteng Province (Manala, 2017b:1; Meth, 2017:416). It should be noted that the relationship between the offender and his father only started when he moved to South Africa, thus indicating the void of a good and strong bond. Additionally, the offender does not have matric (Grade 12), and he is also an illegal foreigner, which made it impossible for him to be employed in the formal sector (government or private). While in Alexandra, he started working odd jobs. He later associated with his fellow Zimbabweans who are criminals because they spoke the same language, and they were all illegal foreigners and thus had much in common. Two criminological theories that can explain Mr E's criminal behaviour are Elliott's Integrated theory (1979) and Travis Hirschi and Michael Gottfredson's General theory of crime (1990).

Elliott and his colleagues (Ageton and Cantor) postulated that the experience of living in a socially disorganised environment (such as residing in a neighbourhood characterised by a high crime rate) results in deteriorated bonds with conventional groups such a law-abiding people, activities (schooling and employment) and social norms (Burke, 2014:300). Limited or blocked opportunities (unemployment, illiteracy and inability to attain financial success), and a subsequent failure to achieve cultural

goals (status, wealth, power and social acceptance) could weaken or even destroy bonds to conventional or social order such as law-abiding attitudes (Adler *et al.*, 2010:179; Hagan, 2018:123). Mr E did not enjoy any attachment to his parents, and even when he resided with his father, there was no father-son relationship. Due to Mr E's lack of self-control; tendency to instant gratification, pro-criminal attitude and thinking pattern; lack of morals and values; risk-taking behaviour and opportunistic attitude, he associated with criminal friends. Corroborating this, Adler *et al.* (2010:179), Bernard *et al.* (2010:328), Hallingberg *et al.* (2016:190), Hesselink-Louw, (2004:338), Interbitzin *et al.* (2015:104), Leverso *et al.* (2015:68), Robin (2015:5) and, Ward and Fortune (2016:82) aver that as strain weakens social bonds with conventional peers, and association with delinquent peers intensifies, the probability of criminal behaviour increases.

This means that individuals residing at a place where there are no positive role-models (law-abiding citizens who are working hard) are more likely to be criminals. In Mr E's case, he grew up without positive role-models; he had no attachment to his family members, he reconnected with his ex-convict father and the area that they resided in was crime prone. Mr E found it appropriate to associate with his fellow illegal Zimbabweans who were also criminals because he had no relationship with his family members, and this ultimately resulted in him committing a crime.

The premise of Travis Hirschi and Michael Gottfredson's General theory of crime (1990) is that crime is the result of a lack of self-control that emanates from childhood (Siegel, 2016:307). Parental supervision and child-rearing approaches are fundamental factors that determine the development of self-control in children (Siegmunt, 2016:7). Thus, lack of parental supervision and child neglect and abuse aggravate the lack of self-control, because self-control is not an innate characteristic but rather a trait that develops from familial interaction (Wright *et al.*, 2015:8; Zavala & Kurtz, 2017:510). Due to Mr E's childhood experience (rejection, abandonment, and neglect by his mother; abuse from his paternal uncle; an absent and incarcerated father), it can be argued that Mr E developed a lack of self-control. According to Lianos and McGrath (2018:676) and Siegmunt (2016:7), individuals who endure childhood rejection and abandonment are predisposed to a lack of self-control, are insensitive to others (victims), short-sighted, and risk takers – all traits displayed by Mr E.

5.2.3.20 Recommendations

In order to reduce Mr E's risk of reoffending in future, the following recommendations are made to address his criminogenic needs:

- Emanating from Mr E's criminological assessment, the following criminogenic needs and risks were identified: lack of self-control; tendency to seek instant gratification, pro-criminal attitude and thinking pattern; lack of morals and values; risk-taking behaviour and opportunistic attitude. It is consequently recommended that Mr E consults a professional (social worker or psychologist) for further assessment with the aim of placing him in individual or group therapy, to address the aforementioned criminogenic needs and risks.
- It is recommended that Mr E is assisted in keeping contact with his younger brother, especially through the mail as he cannot afford to call. To avert a perpetual negative father-child relationship, it is further recommended that Mr E consult a social worker to assist him with re-establishing contact with his daughters.

5.2.3.21 Case Study Six: Mr F

The case study below is of a Zimbabwean foreign offender referred to as Mr F. Mr F was convicted of armed robbery and sentenced to 15 years imprisonment. Mr F was assessed with the aim of identifying causes, contributory factors, and motives for his criminal behaviour in order to determine his criminogenic needs and risks and to explain his criminal behaviour, based on applicable criminological theories.

5.2.3.21.1 Crime and Criminality

Mr F did not commit any crime during his school days and did not befriend anti-social or criminal friends. Furthermore, he was never convicted of any crime in his native country though this could not be confirmed. Mr F was arrested in 2006 for assaulting one of his subordinates after having an argument at a restaurant, but the victim later withdrew the case. Although he is a first-time offender, he confessed that he was involved in other criminal activities, including robbery prior to being convicted for the current crime. The offender explained that he had a vehicle that he bought in 2007, and he used it as a meter taxi. He was once hired by people who wanted to check the potential target for their crimes. Through being hired to transport criminals to crime scenes, the offender became familiar with the criminals and joined them.

There were thirteen criminals that he worked with, including foreigners and South African citizens. Although they committed a crime together, they were not a 'gang' but rather criminal associates as they met only when they committed robbery.

Mr F elucidated that they used to rob big chain stores outside Gauteng Province. Their crimes were premeditated as they would take months studying the routine and the security loopholes in the stores they targeted. They always used firearms to commit the robbery, and he declared that their firearms were mostly stolen; as they bought them from other criminals who committed housebreaking and robbery. When he was asked what motivated him to commit a crime, the offender cited anger as a fundamental cause of his criminal behaviour. He clarified that when he was working at the restaurant, he was devoted and diligent to his work. The store manager was impressed with that and lauded him for his hard work in the presence of his colleagues. This did not go down well with his co-assistant managers, and they conspired to get rid of him, but he was not aware of this plot.

The offender stated that the restaurant used Fidelity Guards (cash-in-transit company) to bank their money and preferred paper money because coins tended to tear their bags, which posed a risk of losing money. Mr F claimed he had lots of coins in his possession one day and decided that the money would be used to give a change to the customers the following day. He asserted that he did not capture the money on the system but opened a folder on a computer where he captured the money. Nevertheless, he put the money in the safe. On the same day, he left work earlier as he had an interview to attend to at the DHA. When he came to work the following day, he was accused of attempting to steal the money from the restaurant because he did not follow the cashing-up procedures. Mr F became incredibly angry and lost his motivation to work diligently.

In 2008, Mr F was arrested and accused of bank robbery, but he was absolved of any wrongdoing. When the offender was asked whether he was involved in that crime, he denied it and said he was wrongly accused. He was released from custody in 2009. In 2010 he opened a business titling floors, particularly wooden floors and he took a break from committing crimes and devoted his attention to the business.

Regarding the current crime, the offender was convicted of robbery. The crime took place in 2011 at Naboomspruit in Mokopane District, Limpopo Province. The

offender was 31-years old when he was convicted. He was with three of his friends, and they were driving from Zimbabwe to Johannesburg. On their way back from Zimbabwe while driving through Limpopo Province, their vehicle was low on fuel, and they decided to refill at the next filling station. They refilled their vehicle at a petrol station in Mokopane, but instead of paying for the petrol, they held the pump attendant hostage and also went inside the filling station and tied the other workers with a rope, and then left the scene. The victims managed to untie themselves and phoned the police. The offender and his friends were arrested on the same day at a roadblock at the Kranskop toll-gate.

Mr F admitted that they robbed the filling station of petrol, but he is adamant that although their crime is documented as armed robbery, there was no firearm used and it was not planned. He commented: *“Well what’s on paper and what happened are two different things. But taking into consideration that there were some other armed robberies that I did, I think that was the high time to put a stop to all that nonsense anyway”*. The offender clarified that he feels bad about his crime, particularly that the victims suffered at his hands.

Upon their conviction and sentencing, Mr F and his accomplices were separated. He and his friends are serving the same sentence. Two of his friends are somewhere in Limpopo, Mpumalanga, and the North West (LMN) region, but incarcerated at separate correctional centres. His other friend is incarcerated at Odi Correctional Centre in Gauteng. Although the offender mentioned that there were three accomplices to this crime, the electronic information obtained from the correctional system, only mentions two of his accomplices. Since their incarceration, they have lost contact with each other. The offender also lost contact with his other criminal associates.

5.2.3.21.2 Mr F’s Family of Origin’s Background

Mr F is the third born of five children to Mr and Mrs Bruno. Mr Bruno was born in 1950, and he is married to Mrs Bruno, born in 1959. The Bruno family lives together in Zimbabwe. Mr Bruno has a degree in Business Administration, and he previously worked for PG Industries in Zimbabwe. He currently owns a construction company. Apart from his business work, he is a Bishop of the Twelve Apostolic Church. On the other hand, Mrs Bruno holds a diploma in secretarial studies. She has always been

self-employed. She previously managed a family store, but is now farming, and manages the family farm. Mr F's parents have never been arrested or convicted of any crime. Mr and Mrs Bruno are non-smokers and non-alcohol users. Below is a diagram showing the family composition of the Bruno family.

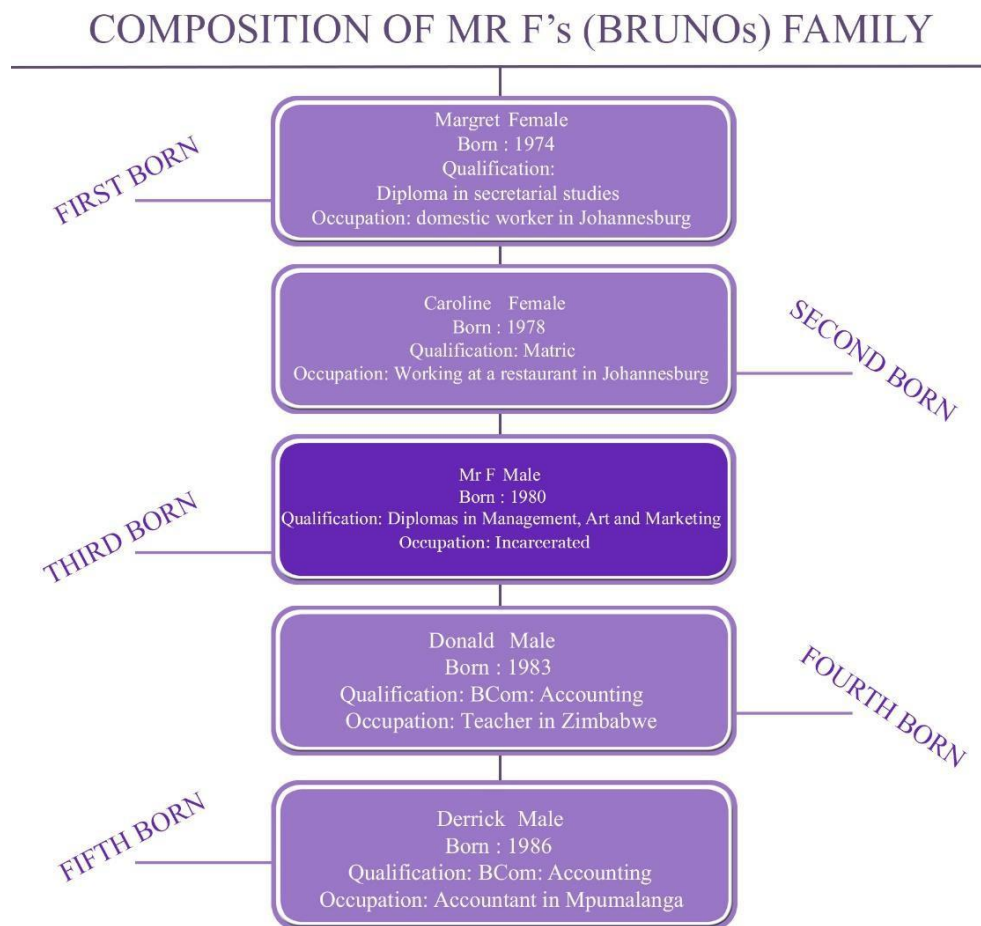


DIAGRAM 4: COMPOSITION OF MR F's (BRUNOs) FAMILY

Analysis of Diagram 4:

Age: Mr Bruno is nine years older than his wife (Mrs Bruno). At most, there is an age gap of two to four years between their children.

Qualifications: The Bruno family is educated. Mr Bruno holds a degree in Business Administration whilst his wife holds a diploma in secretarial studies. All of Mr F's siblings hold educational certificates. Four of his siblings hold post-matric qualifications, only the second born (Caroline) obtained a basic matric qualification.

Employment: All of Mr F's siblings are employed, and two of his siblings are employed as professionals (a teacher and an accountant).

According to Mr F, all his siblings are non-tobacco and non-alcohol users. Furthermore, none of his siblings was ever convicted of any crime. Mr F and his siblings enjoyed loving, caring, and supportive relationships as they stayed together with their parents. However, he stated that his relationship with his younger brother Derrick is broken and he does not want anything to do with him because Derrick betrayed him.

Mr F explained that his wife and children were struggling financially, and his wife could not pay the school fees for their children. As Mr F, being incarcerated, asked his brother (Derrick) to sell his laptop, desktop computer and a cell phone and then give the money to Mrs F to pay their children's school fees. Derrick never sold the items but kept them for himself and never gave his sister-in-law the money. Derrick told Mr F that the laptop and cell phone were stolen from his car. When the offender asked him to give the desktop computer to his wife so that she could sell it herself, Derrick agreed, but never kept the promise. One of the family friends told Mr F that Derrick lied and made up a story to deceive him. Derrick still has the cell phone and the laptop with him. For the fact that Derrick betrayed him, the offender disowned him as his brother. Ventilating his frustration and sadness at being betrayed by his younger brother, Mr F said: *"...my brother took me for a fool, and he showed no respect for me, and I cannot have someone like him in my books"*.

5.2.3.21.3 Mr F's Childhood History

Mr F and his siblings were raised by both of their parents. The relationship between him and his parents was very caring and supportive. Mr F was never abused as a child and was never exposed to violence. He mentioned that his parents disciplined

them when they misbehaved, and corporal punishment was a common method used by his parents, and they would beat the children with a belt. Lowering pocket money for misbehaving was also used to discipline the children.

5.2.3.21.4 Mr F's Marital Relationship

The offender is married to Priscilla, who was born in 1987. Priscilla holds a matric certificate, and she is employed as a domestic worker in Johannesburg (Gauteng Province). She previously worked at a restaurant. Priscilla is also from Zimbabwe, and she came to South Africa illegally in 2004, but she arrived several months after Mr F. Although she entered South Africa illegally, she currently has valid documents to be in the country. Mr F and his wife are blessed with two children. Their first child was born in 2005 and the second child in 2008. The offender's children reside with his wife in Forest Hill in Johannesburg

Mr F clarified that prior to his incarceration, he, his wife and their children enjoyed a supportive relationship. There were disagreements sometimes, particularly due to their extended families (in-laws). A recent extended family (in-laws) incident that brought misunderstanding between him and his wife was that he requested his wife to sell their bakkie (a pickup van). Mr F wanted to use the money to open a business when he is released from the correctional centre. His wife sold the car, but she lent the money to her sister, and her sister did not return it at the time agreed upon. Another cause of misunderstanding was that Mr F was involved in criminal activities, for which Priscilla always admonished him.

Mr F admitted that he and his wife are still married although there is a possibility that they might divorce. Since March 2013, his wife has been proposing to "*move on*" (to be intimately involved) with another man, but that she would like to "*come back*" into the offender's life after he is released from the correctional centre. The offender stated that he told her that what she wants is impossible; she should make up her mind to support him while serving his sentence or leave for good.

The offender was very sad, and heartbroken by his wife's actions and proposal, to such an extent that he considered committing suicide. Expressing his unhappiness and disappointment, Mr F stated:

"This is at the highest emotional scale because it drains all my energy when I think of it to the point of committing suicide. When I think about

things that I have done for her, the way I looked after her. This is something I wasn't expecting because at first I spoke to her and told her that I am going to serve a long sentence and I wanted to release her so that she could live her life as I did not want to think about what she will be doing while I am in jail. She said no, she still wants to be my wife, and this made me build a hope of another life with her after my release".

According to the Suicide Prevention Resource Centre (2016:27), suicide is more prevalent among married inmates after receiving news of a spouse filing for divorce. Thus, the offender was immediately referred to a social worker at the correctional centre.

The offender revealed that he had already consulted the social worker and his family was called in during December 2014 to arrange for a family meeting with his wife and his father. However, his father explained that he would only be available in February 2015. In December 2014, a social worker at Losperfontein Correctional Centre was on leave, and the offender consulted another social worker who is permanently based at Brits Correctional Centre as she was on standby during December 2014 (for the month). However, when the social worker based at Losperfontein returned from leave, the matter was referred to her. No progress was made, and the researcher spoke to a social worker employed at the correctional centre about the offender, and she promised to follow-up with the offender's father. Priscilla has never used drugs and alcohol, and she has never been convicted of any crime.

5.2.3.21.5 Access to South Africa

Mr F illegally migrated to South Africa in 2004. He cited political conflict as the reason for him to come to South Africa. He claims that in 2004, the party in government in Zimbabwe forced the youth to be involved in politics and he was not interested in joining politics, so he decided to leave the country. Although he had a valid passport, he could not use it to pass through the border as he was fleeing the country. Mr F gained access to South Africa by jumping over the border fence. He was assisted by a syndicate from Zimbabwe, which he paid. The offender mentioned that he could not remember clearly where exactly he jumped the border fence as it was during the night. Upon jumping the fence, he was ferried to Johannesburg

where he rented an apartment. His wife migrated to South Africa the same way Mr F did.

Mr F stated that Johannesburg was a familiar place as it was not his first time in South Africa. Mr F used to visit the country for business purposes. While in South Africa, he applied for asylum at the DHA and was granted a temporary asylum permit.

5.2.3.21.6 Denomination

The offender is a member of Twelve Apostolic Church. Growing up in a Christian family, the Bruno family never followed any cultural rituals or practices except the church laws (e.g. attending church services on Saturdays).

After being sentenced, he joined a Born-again charismatic Christian Church at Losperfontein Correctional Centre. Mr F later quit fellowship at that Born-again charismatic Church gathering because it differed with the tenets of his church (Twelve Apostolic), particularly because his church believes that Sabbath (the day of worship) should be Saturday, not Sunday. He then opened a Twelve Apostolic Church 'cell' in the correctional centre. Although he initiated the move to open this church, he admitted that he is not in any leadership position, but a mere member of the church.

5.2.3.21.7 Educational Background, Achievements and Leadership Positions

The offender played tennis at primary and high school but was never awarded a medal. Instead, he was awarded a medal for art while in high school. Mr F was once a class monitor when he was at primary school. He had a courteous, professional relationship with his teachers and his peers during his primary and high school days. During his high school education (Grade 8 to 11), he attended a boarding school.

Mr F never failed any grade during his primary school years, but he failed Form 4 (Grade 11) in high school. He attributed his failure to the stress associated with the failure of his father's businesses. He then repeated Form 4 the following year, passed and was awarded a certificate for the best performer in English.

During high school, Mr F quit tennis and played chess as part of the school's chess team. Mr F and his friends started a business selling food items when he was in Form 3 (Grade 10). He was the manager of the club.

Mr F mentioned that he was bullied in high school, but he never reported it to his teachers and parents. He mentioned that he fought back, but the bullies never stopped. The bullying only ended when the learners that bullied him left the school. Although the offender fought with bullies, their fights never came to the attention of the teachers. The offender has never been expelled from school, and he never had criminal/anti-social friends. Prior to his incarceration and while working at a restaurant in Johannesburg, he attained a certificate in management.

5.2.3.21.8 Employment History

While in Zimbabwe, Mr F was temporarily employed by his father's construction company from 2000 to 2001. He was in a supervisor position as he was a site manager. Mr F claims to have had a particularly good relationship with other employees and his subordinates. From 2001 to 2002 he opened his own packaging company which packaged fish for the hotels and supermarkets. In 2003 he ventured into sculpting (art) business and the products were exported to South Africa. When asked what motivated him to leave the family business, he mentioned that he wanted to grow outside his father's business.

The offender started visiting South Africa in 2002 as part of his business activities. He then relocated to South Africa in 2004, and he was employed as a waiter's assistant at one of the emerging grills (restaurant) in Johannesburg. The offender explained that he had a good relationship with his fellow employees at the restaurant because most of them were from Zimbabwe. Nonetheless, his relationship with management was not good. Mr F attributes misunderstandings between him and the manager to the manager's inferiority complex. Mr F revealed that the manager would sometimes ask him why he is wasting his time by working at a restaurant while he could be studying and working at a university. This jeopardised his upward mobility in the restaurant because the owner wanted to promote the offender, but the manager disputed and disapproved promotion. Despite the tiff between him and the manager, the offender explained that he was a diligent worker, and he was always present at work.

The offender became frustrated because his promotion was blocked by his manager, and he decided to seek other employment. In 2005 he was offered employment at another restaurant as a shift manager, and he resigned from the grill restaurant. He

then worked for this restaurant from 2005 to 2007 and resigned due to the enfeebled relationship between him and his colleagues, and after being accused of attempted theft.

5.2.3.21.9 History of Substance Abuse and Health Condition

Mr F has never used alcohol and drugs. He is asthmatic and also has stomach ulcers, and he is currently on medication.

5.2.3.21.10 Behaviour During Incarceration

Mr F is not a member of a gang at the correctional centre and not involved in any criminal or corrupt activity such as smuggling contraband items (cell phones and firearms) inside the correctional centre. For recreation, the offender plays table pool and chess in his spare time. He is also involved in Bible Studies and has already attained five certificates in this regard.

The offender does not use drugs. Although he had suicidal thoughts, Mr F claimed to have adapted very well to the correctional centre environment, and he has a good relationship with other offenders. He mentioned that it was easy for him to get used to the correctional centre life because it is almost like life at boarding school. Although the offender has good relationships with other offenders, he stated that there are some offenders who are pessimistic about life and he always avoids such folks because he does not want to be influenced by their negativity.

5.2.3.21.11 Qualifications Obtained While Incarcerated

Despite challenges for illegal foreigners to register for matric, such as positive identity documents as a prerequisite, the offender registered and obtained his matric in 2012 while serving his sentence. When asked how he managed to register for matric, he explained that he was also refused registration when incarcerated at Polokwane Correctional Centre although he had valid documents as an asylum seeker. He then threatened educators that if not registered, he would write a letter to the Minister of the DCS, and the officials succumbed and registered him. Mr F is currently studying for a certificate in International Computer Driver's Licence and N4 courses in business marketing. He is also a tutor to his fellow inmates who are studying computer courses.

5.2.3.21.12 Support Structure During Incarceration

The offender has contact with his two sisters (Margret and Caroline), but he is closer to Caroline. Caroline often visits him, and they communicate through the phone. Mr F also has a good relationship with his younger brother Donald, and they communicate through the phone. The offender also calls his parents in Zimbabwe, but he mentioned that he only calls them when there is a need as it is expensive. Apart from his immediate family, the offender has a noncriminal friend who visits him. His friend is also from Zimbabwe, but he is a legal immigrant, and he owns a compressed liquefied petroleum gas company for domestic and commercial use in Johannesburg. Since his incarceration, Mr F has lost contact with all his criminal friends. Mr F receives financial support from his wife and his brother-in-law. Both are law-abiding persons.

5.2.3.21.13 Involvement in Rehabilitation Programmes and Mr F's Future Goals

Mr F attended an anger management programme which was facilitated by the CIO. He was eager to learn how to handle anger because he realised that he previously failed to deal with his anger in a positive manner. Mr F has not attended any social work programmes, but a social worker is assisting him with family matters. However, Mr F has never been in any individual therapy for cognitive matters. At the time of this research, Mr F had not received any psychological services.

The offender would like to acquire knowledge and skills, particularly in computers and marketing while incarcerated. These skills and knowledge would be paramount as he plans to establish a business and computer college when released.

5.2.3.22 Criminological Evaluation and Analysis of Mr F's Criminal Behaviour

In this section, causes, motives and contributory factors for Mr F's criminal behaviour are analysed, and his criminogenic needs and risks identified. Lastly, Mr F's criminal behaviour will be explained using criminological theories.

5.2.3.22.1 Causes of Mr F's Criminal Behaviour

The following are identified as causes of Mr F's criminal behaviour

- Pro-criminal attitude and thinking patterns: Mr F exhibited a pro-criminal attitude. This is corroborated by the fact that although he knew that crossing a

border post without legitimate documentation is a crime, he paid a criminal syndicate from Zimbabwe to assist him in migrating to South Africa. His pro-criminal attitude is further displayed by his willingness to transport criminals to different stores in Gauteng to commit robbery. According to Evans (2017:25), offenders with pro-criminal attitudes are willing to engage in criminal activities. Pro-criminal attitude and thinking patterns are cited as causes of crime because an individual with such traits has little regard for others; the goal is to acquire what they want, and it does not matter at what expense (Simourd *et al.*, 2016:426; Worthy, 2017:80).

- Manipulative behaviour, lack of morals and values: Mr F exhibited a manipulative attitude when the educators at Polokwane Correctional Centre refused to register him for Grade 12 examinations. Mr F threatened to write a letter to the Minister of the DCS to complain that he was being denied education. Although the offender has a right to education, as enshrined in the Bill of Rights of the Constitution of the Republic of South Africa, in a correctional centre setting, there is a protocol to be followed to register complaints. Pittaro (2015:1) and Worley (2015:1) caution that some inmates are very manipulative and use grooming or threatening tactics to get things done their way and unfortunately, correctional officials oftentimes fall prey to these manipulative tactics. Mr F also displayed a lack of morals and values. Van Erp, (2018:1) adds that people who lack morals and values are willing to engage in criminal activities if they profit from the crime. Mr F's immorality is revealed by his willingness to transport criminals to the targeted areas although he was aware that assisting criminals to further their criminality is also a crime. Due to his exposure to crime and being paid for transporting criminals, he was convinced that he could eke a living from the proceeds of crime. Ultimately, he joined the criminals.
- Willingness to engage in crime: Mr F displayed a will to engage in crime. Leverso *et al.* (2015:68) cite willingness to engage in crime as a cause of crime. Mr F violated South African immigration laws and paid a criminal syndicate to assist him and his wife to illegally relocate to South Africa. Mr F's willingness to commit a crime is further demonstrated by his association with criminals by transporting them to different crime targets. The criminal association is a prelude to criminal involvement because relating to criminals'

intensifies the chances of committing a crime (Banse *et al.*, 2013:677). Mr F's confession that all their crimes were premeditated, and that they bought illegal firearms from other criminals who committed housebreaking and robbery, supports the idea that he portrayed a will to commit a crime.

5.2.3.22.2 Contributory Factors Associated with Mr F's Criminal Behaviour

The following are identified as contributory factors to Mr F's criminal behaviour:

- Insubordination, frustration with authority, inflated self-esteem, and lack of respect for authority: Mr F portrayed inflated self-esteem and disregard for authority and insubordination. His inflated self-esteem resulted in his resignation. Mr F's inflated self-esteem can be traced back to his teenage years, when he was bullied at school, he did not report the bullies to his teachers, but he retaliated and fought the bullies. Streep (2017:1) and Sivaraman, Nye and Bowes (2018:1) assert that people with inflated self-esteem are more partial to revenge particularly when they feel that their pride and dignity have been violated. In his entire working career (two restaurants) he was not on good terms with the management, and he attributed the misunderstanding to jealousy from his supervisors, as he was brilliant and diligent at his work. According to Van Geel, Goemans, Zwaanswijk, Gini and Vedder (2018:35), Guerin and Delpe (2015:222) and Phala (2017:1), insubordination, an inflated self-esteem and lack of respect for authority, are contributory factors to misunderstandings between supervisors and supervisees which ultimately may result in dismissal of an employee.
- Enfeeble relationship with colleagues and unstable work history: A enfeebled relationship between Mr F, his colleagues, and the managers at both of his places of employment led to his resignation. Individuals that lack good relationships with colleagues and supervisors, and who lack the commitment to their work are easily predisposed to fail in their employment and thus later resort to crime (Tully *et al.*, 2015:51). An unstable work history is a contributory factor to criminal behaviour because an individual who is permanently employed will avoid committing crime as he knows that his arrest will result in him losing his employment (Hesselink & Booyens, 2017:6;

Liebling *et al.*, 2017:200; Prinsloo & Hesselink, 2015(a):70; Siwach, 2018:266).

- Lack of morals and values and risk-taking attitude: Although Mr F was born to an educated and hardworking family, his engagement in crime demonstrates his lack of morals and values. Mr F's risk-taking behaviour is further illustrated by his premature venture into his own business that did not do well. Frinche and Schildberg-Hörisch (2018:28) postulate that a lack of morals and a risk-taking attitude contribute to criminal behaviour because individuals without moral conscience often believe that by luck or chance, they will circumvent arrest and prosecution. Due to his lack of morals and values, Mr F and his accomplices considered paying for petrol a waste of money and thus refilled their vehicle without paying and held filling station workers hostage and tied them with a rope and left.
- Criminal association: Influenced by his pro-criminal mindset and a willingness to commit a crime, Mr F associated with criminal friends who influenced him to join them in their criminal activities. According to Andrews *et al.* (2012:116) and Chenane *et al.* (2015:288), associating with criminal peers' nurtures criminality. Adding to this, Walsh and Hemmens (2014:186) and Walters (2017:282) posit that associating with criminals is a contributing factor to crime because it often results in noncriminal individuals being negatively influenced and joining criminal activities.

5.2.3.22.3 *Motives for Mr F's Criminal Behaviour*

The following are identified motives for Mr F's criminal behaviour:

- ❖ Violent and aggressive behaviour and lack of empathy for others: Mr F showed aggression and an inability to control emotions, and this resulted in him assaulting his colleague. According to Lambregtse-Van den Berg, Tiemeier, Verhulst, Jaddoe, Tindall, Vlanchos, Aumayer, Lles and Ranchandani, (2018:77) and Hesselink and Mostert (2014:47), early aggression predicts future violent behaviour because offenders with such behaviour tend not to think about the impact of their behaviour on others. This supports Mr F's actions; he never thought about his actions before he assaulted his colleague, and this supports the argument that he showed no

empathy for his victims. Mr F only admitted guilt after he was convicted and sentenced. Summing up lack of empathy as a motive of the crime, Jobson (2016:1) and Shahidullah (2017:460) denote that a lack of empathy for others increases an individual's chance of committing a crime for he has little or no regard for his victims.

- ❖ Pro-criminal attitude: Mr F displayed a pro-criminal attitude. Mr F employed the service of a criminal syndicate to arrange his and his wife's illegal immigration to South Africa. Caudill and Trulson (2016:224), Walters (2016a:48) and Walters (2016b:241) aver that a pro-criminal attitude is a motive to commit a crime or to relapse into crime because individuals with such traits are ready to commit a crime. Mr F's pro-criminal attitude is further validated by his willingness to engage in crime and ferrying his criminal friends to targeted areas.

5.2.3.22.4 Mr F's Criminogenic Needs

The following are Mr F's identified criminogenic needs:

- History of criminal involvement: Although Mr F is a first offender, he acknowledged that he was engaged in other crimes, and he admitted that he assaulted his subordinate. Bezuidenhout (2013:69) and Hesselink and Booyens (2017:61) state that previous criminal behaviour predicts future behaviour and it thus increases Mr F's likelihood of resorting to violence when engaged in disagreements in future. If Mr F's displeasure and anger towards his younger brother for betraying him are not addressed, this may result in conflict within the family as Mr F has a history of resorting to violence (colleague assault incident). Individuals who are unable to control their anger are more likely to resort to violence when they are provoked (Hilton & Radatz, 2017:3247).
- Pro-criminal behaviour, thinking patterns, and criminal association: Mr F displayed a pro-criminal attitude and risk-taking behaviour, and these are risks for reoffending because he has no regard for others. Substantiating Mr F's pro-criminal attitudes and thinking patterns is his willingness to associate with criminals and transport them to commit robbery. Offenders with pro-criminal attitude are more likely to associate with criminal peers because they share

the same idea of benefiting from the proceeds of crime (Esiri, 2016:10; Walters, 2015:1130). Although Mr F denied that he was part of a gang and stated that he had lost contact with all his criminal friends, the fact that he committed a crime in a group exacerbates his risk for reoffending (Evans, 2016:17). The criminal association is a risk for offenders to relapse into crime upon release as it provides apposite environments to negatively influence individuals (Baird, 2017:1; Bezuidenhout, 2013:69). Mr F is a risk for reoffending, especially if he rekindles his relationship with his criminal friends' post-release.

- Aggression and inability to control emotions: Mr F depicted aggressive behaviour and an inability to control his emotions as he assaulted his subordinate when they had an argument. Adding on this, Hilton and Radatz, (2017:2349) posit that an inability to manage one's anger properly is a criminogenic need because anger is an emotion that is amenable to treatment. In summary, Mr F's aggression may be altered through cognitive therapy (Harder, Knorth & Kalverboer, 2014:1050).
- Poor coping mechanism and suicidal thoughts: Mr F portrayed poor coping mechanisms and displayed suicidal thoughts emanating from his wife's proposal of divorce. As previously stated, Mr F depicted aggressive behaviour; McCloskey and Ammerman (2018:56) state that aggressive offenders often suffer from suicidal thoughts, due to poor coping mechanisms and because they cannot handle their overwhelming emotions. May and Victor (2018:4) caution that most suicidal deaths start with suicidal ideas as an individual firstly thinks of suicide before he acts.
- Lack of morals and values: Mr F depicted a lack of morals and values. His lack of moral and values is demonstrated by his willingness to transport criminals to different targeted areas to study the area and identify security loopholes before they attacked. Due to his lack of morals and values, he and his friends were willing to fill up their vehicle at a petrol station and refuse to pay and then held the petrol filling station workers hostage. A lack of morals and values is considered a criminogenic need because individuals with a moral and value deficiency have no moral conscience to guide their behaviour and conduct (Adler, 2013:352; Palmer, 2012:1).

- Enfeebled or lack of relationship with his brother and his wife: Mr F reiterated that his brother betrayed him, and this has broken their relationship. Broken-down or a lack of family relationships is regarded as a criminogenic need as the family is a primary source of support (Kras, 2018:4; Siennick, Stewart & Staff, 2014:371). Offenders with a lack of sibling, spousal and family support are more inclined to relapse into crime when released particularly when their marriages are broken or weakened by their incarceration (Jardine, 2017:115; Wallace *et al.*, 2016:20). Mr F's wife has made it clear to him that she would like to be intimately involved with another man, and this shows that there is a possibility of divorce. Stritof (2017:1) argues that incarcerated married men are 80% more likely to face divorce while serving a term of incarceration and this can be incredibly stressful because the same trusted spouses that inmates expect support from desert them.

5.2.3.22.5 Mr F's Risks of Reoffending

Below are the identified risks of Mr F for reoffending:

- ❖ Aggression and inability to control emotions: Assaulting his subordinate during an argument shows that Mr F is aggressive, and he suffers from an inability to control his emotions. Aggressive behaviour is underscored as a risk for reoffending (Wooditch *et al.*, 2014:280); should Mr F be confronted by any situation (misunderstanding or argument) that elicits his emotions, he might resort to aggression and re-offend.
- ❖ Manipulative behaviour: Mr F exhibited manipulative behaviour as he threatened to report educators at Polokwane Correctional Centre to the Minister of the DCS for refusing to register him for the Grade 12 examination. Pittaro (2015:1) counsels that some inmates are manipulative, and they use grooming or threatening tactics to get things done their way; and manipulative behaviour is a risk for reoffending.
- ❖ Pro-criminal attitude and risk-taking behaviour: Mr F displayed risk-taking behaviour and a pro-criminal attitude. Despite him knowing that his family depended on him for financial support, he assaulted his colleague on duty without considering that he might lose his job. This risk-taking behaviour is also proven by Mr F's predilection to engage in criminal activities and transport criminals to possible target areas. A pro-criminal attitude increases

the offender's likelihood of committing crime because such individuals have no regard for the law (Whited *et al.*, 2017:492).

- ❖ **Susceptibility to criminal influence and criminal association:** Mr F associated with criminal friends and was involved in criminal activities (ferrying criminals to target areas). Susceptibility to criminal influence and associating with criminals are risks for re-offending (Bonta & Andrews, 2017:19; Rokven *et al.*, 2017:698).

5.2.3.23 Analysis of the Offenders' Crime and Theoretical Explanation of his Criminal Behaviour

Mr F was born to an affluent, Christian, and law-abiding family. From a noticeably young age he was involved in his family business, and he later started his own business. He has never committed a crime in his native country and resided in South Africa for two years before committing a crime. During these years he was employed and led a law-abiding life. Thus, it is clear that his family and childhood background had no influence on his criminal behaviour. Instead, his risk-taking attitude, pro-criminal mind and association with criminals had a direct influence on his criminal behaviour (Rokven *et al.*, 2017:699; Whited *et al.*, 2017:498). In applying a theoretical explanation to Mr F's criminal behaviour, the Differential Association theory is employed. In 1939 Edwin Sutherland introduced his Differential Association theory and later (1947) refined it. The idea of Sutherland's theory is that criminal behaviour, like any other behaviour, is learned (Conklin, 2013:188; Hagan 2013:169; Schram & Tibbetts, 2014:217). From the nine propositions of the Differential Association Theory, five fit very well in explaining Mr F's criminal behaviour, and they are explained below.

1. **Criminal behaviour is learned:** Although Mr F was charged with assault in 2006; the charge was withdrawn, and he was exonerated. He led a law-abiding life until he associated with criminals as he transported them to target areas and thus gained exposure to crime. Adding on this, Siegel (2016:229) posits that criminal behaviour, like any other form of behaviour (reading and writing), is learned.
2. **Criminal behaviour is learned in interaction with other persons in the process of communication:** Mr F started as a mere driver using his vehicle to transport criminals to their targeted businesses. This afforded him the

opportunity to interact with the criminals, and from the money, he was paid after crimes had been committed; he was convinced that crime pays (Inderbitzin *et al.*, 2015:102.) Supporting the argument that Mr F's criminal behaviour is acquired through association, Esiri (2016:8) and Tibbetts and Hemmens (2015:298) emphasise that criminal behaviour is learned through association with criminal peers.

3. **The principal part of learning of criminal behaviour occurs within intimate personal group:** Individuals' contact with their most intimate social companions, such as family, friends, and peers have the greatest influence on the development of deviant behaviour and anti-social attitudes (Adler *et al.*, 2013:130; Akers, 2017:21). Driving criminals to targeted business provided Mr F with adequate opportunity to become close to the criminals, and he learned how to commit robbery — validating this argument, Rokven *et al.* (2017:699) mention that spending more time with criminals exacerbates an individual's likelihood of committing a crime.
4. **When criminal behaviour is learned, the learning includes, (a) techniques of committing crime, which are sometimes very simple and (b) the specific direction of motives, drives, rationalisations and attitude:** Mr F also learned the techniques of committing robberies, such as the targeted areas (businesses) must be visited first to look for security loopholes, the routine in the store must be observed, and possible escape routes must be established. According to Lokanan (2018:56), Walters (2016d:320) and Wooditch *et al.* (2014:279), criminal behaviour is learned through association, and more time spent with criminal peers provides techniques and fortifies the motives for committing a crime.
5. **The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.** In Mr F's case, the motivating factors for the crime were greed, lack of morals and values, pro-criminal attitude, and willingness to engage in crime (Frinche & Schildberg-Hörisch, 2018:28; Petkovsek & Boutwell, 2014:1236; Walters, 2016a:48).
6. **A person becomes delinquent because of an excess of definitions favourable to law violation over definitions unfavourable to law violation.** According to Siegel (2016:229), if there is a propensity for breaking the law (e.g. pro-criminal attitude and willingness to commit a crime) in society

or within a group, it is easy for an individual to commit a crime. Mr F associated with a group that committed crimes and promoted criminal behaviour as they perceived it as a lucrative way of earning a living, rather than having legitimate jobs.

7. **Differential associations may vary in frequency, duration, priority, and intensity:** According to Mowen and Boman (2017:1110), a person who associates with criminals but spends less time with them is less likely to learn criminal behaviour, than a person who spends most of his time with criminals. Mr F worked at a restaurant and did not commit any crime as he was employed and spent most of his time at work. As soon as he quit working, he spent most of his time with criminals. Thus, spending most of his time with criminals allowed Mr F to learn robbery. Gray, Durkin, Call, Evans, and Melton (2015:5) argue that the more time spent with criminal peers, the more intense the learning of criminal behaviour.
8. **The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.** This means learning how to commit crime takes time and practice (Siegel, 2016:229). Mr F transported his criminal friends and witnessed them as they executed their planned robbery before he joined them and participated in committing a crime. This means that Mr F had to be familiar with all the tricks used to commit robbery such as threatening and instructing the victims and discharging firearms to escape the crime scene without being hurt.
9. **Although criminal behaviour (e.g. committing robbery, theft and fraud) is an expression of general needs (e.g. food, clothing, shelter and financial security) and values (being able to live a decent life), it is not explained by those general needs and values because non-criminal behaviour (e.g. studying hard to attain education to increase chances of being employed) is an expression of the same needs and values:** Mr F's needs were to support his family financially and to provide them with accommodation. For the first two years after arrival in South Africa, those needs were fulfilled by working at a restaurant (noncriminal way) and later, after resigning, those needs were fulfilled through the proceeds of crime. Validating this argument, Sutherland negates that the use of motives such as

unemployment, and a desire to accumulate wealth and status as causes of crime, because the same motives can be achieved through legitimate means such as acquiring education and working (Siegel, 2016:230).

Another criminological theory that is used to explain Mr F's criminal behaviour is Gottfredson and Hirschi's General Theory of Crime (1990). According to the General Theory of Crime, criminal behaviour derives from a deficiency of an individual's self-control (Wright *et al.*, 2015:8). Due to the early development of self-control (between the age of eight and ten years), parental supervision is important to nurture self-control (Siegumt, 2016:7). Although Mr F's parents emotionally and financially supported him, it is clear that Mr F lacked self-control. Due to his pro-criminal attitude and thinking patterns, aggression, inability to control his emotions, lack of morals and values and his susceptibility to criminal influence; he associated with criminals and assisted them to further their criminal activities (Bonta & Andrews, 2017:19; Hirtenlehner & Kunz, 2016:396; Seregen *et al.*, 2016:980). Substantiating the argument that Mr F lacked self-control, Vazsonyi *et al.* (2017:490) state that individuals with low self-control are characterised by a lack of empathy and disregard for others, impulsivity, and an inability to delay gratification; and these traits make them susceptible to commit a crime.

5.2.3.24 Recommendations

The following recommendations are made to address Mr F's criminal behaviour:

- Mr F is referred to a social worker or a psychologist for further assessment and individual therapy to address his suicidal thoughts regarding his wife's decision regarding separation and divorce. It is also recommended that Mr F consult a social worker to assist him with family conferencing to engage his father and his younger brother who betrayed him, with the aim of restoring the broken relationship between Mr F and his younger brother.
- The offender must be further assessed by a social worker or a psychologist with the aim of involving him in either individual or cognitive group therapy, to address his pro-criminal attitude and thinking patterns, aggression, inability to control his emotions, lack of morals and values and his susceptibility to criminal influence.

5.3 CONCLUSION

This chapter highlighted the causes, motives, contributory factors, criminogenic needs, and risks of foreign offenders. The analysis of the above case studies illustrates that the needs and risks of foreign offenders significantly differ from those of South African offenders. Due to the distance and the exorbitant price that the families of foreign offenders have to incur to visit them, the majority of foreign offenders' struggle to maintain contact with their families. It is also evident that family members who reside in South Africa are also mostly illegal immigrants. Due to their illegal status, they cannot visit their incarcerated family members at the correctional centre.

Apart from Mr F's suicidal thoughts, there were no other psychological problems identified amongst the participants. Although the offenders are predominantly from African countries where culture is upheld, the majority of them did not practice cultural rituals because they migrated to South Africa at an early age, (mostly during their teenage years). Thus, no cultural practices were identified as having any influence on their criminal behaviour. Apart from Mr C, all offenders committed a crime in a group context, and this depicts that criminal influence played a significant role in their criminal behaviour. The criminological theories used to explain criminal behaviour and circumstances, that had an influence in their crimes, proved to be appropriate. In this regard, the following criminological theories were applied to interpret and explain participant behaviours: Social Bond Theory, Differential Association Theory, Neutralisation and Drift Theory, Control Balance Theory, Reintegrative Shaming Theory, Integrated Theory, General Theory of Crime and Age-Graded Theory.

Most foreign offenders in this study claimed to be first-time offenders. Unfortunately, this could not be confirmed because the researcher had no access to previous criminal records (SAP 69) or to records from their countries of origin. None of the foreign offenders who participated in this study had pending criminal or internal disciplinary cases against them.

CHAPTER 6

SUMMARY OF RESEARCH RESULTS, CONCLUSION AND RECOMMENDATIONS

This chapter evaluates the objectives of the research study and determines if the goals of the study were achieved and whether the research questions were answered. This chapter also provides a summary of the five previous chapters and recapitulates the findings of the research and identifies the limitations of the study. This chapter provides recommendations based on the results of the research.

6.1 SUMMARY OF CHAPTERS

The first chapter (Chapter 1) introduced the study and provided a brief overview of the criminological assessment of foreign offenders. Definitions of key concepts fundamental to the study were unpacked, and a brief overview of the methodological outlay was provided. This research employed a qualitative approach and was based on case study analysis with an explorative goal. The research followed a purposive sampling technique, and the researcher used his own judgment to select the participants that he thought represented the population. All the ethical considerations that were observed during the research study are also discussed in this chapter.

The second chapter (Chapter 2) captured international foreign offender assessment practices in Canada, the UK, and the USA (Washington State, Pennsylvania and Colorado DOCs). The purpose of and a brief history of offender assessment was highlighted. The research revealed that these countries do not have a specific offender assessment tool dedicated to assessing foreign national offenders. The same tool utilised to assess native offenders is also employed to assess foreign offenders in custody of their correctional institutions. Canada employs the LSI-R and SAQ to assess both native and foreign nationals. However, the SAQ is not a mandatory tool but one used by professionals at their own discretion. For inmates that are not native Canadian offenders, there is an additional pre-release tool used to predict offender susceptibility to recidivism (Loza, 2013).

In England and Wales, a sequence of computer-based forms named the Offender Assessment System (OASys) is used to assess both native and foreign offenders. With regards to the USA, Washington State previously employed the LSI-R but ceased using it in 2008. The research conducted by the Washington State Institute for Public Policy found that the LSI-R could be strengthened by augmenting additional static criminal history data (e.g. age at the onset of crime) (Herold-Prayer, 2016). Thus, this resulted in the development of the new tool named the Static Risk and Offender Need Guide (STRONG). Additional to STRONG, Washington State DOC uses the Static Risk Assessment (SRA), and the Offender Needs Assessment (ONA) to determine both native and foreign offender specific needs and to predict recidivism (Herold-Prayer, 2016).

The Pennsylvania DOC started using the LSI-R for both native and foreign offenders in 1998 (Hardyman *et al.*, 2004:39). However, its use was short-lived. Several studies (Austin, 2003; Simourd, 2006; Bucklen, 2007 & Goldkamp, 2010) revealed that the LSI-R had little predictive validity for the Pennsylvania offender population (Bucklen, 2010:8). The use of LSI-R was discontinued, and the Risk Screen Tool (RST) was developed and is currently used to assess native and foreign offenders in custody of the Pennsylvania DOC (Tomkiel, 2016).

The Colorado DOC still uses the LSI-R to assess both native and foreign offenders (Perkins, 2016). The LSI-R is supplemented by the Standardized Offender Assessment-Revised (SOA-R), and a pre-release tool named the Colorado Actuarial Risk Assessment Scale (CARAS) used for release consideration (Bureau of Justice Assistance 2007:01). Thus, it became clear that the three American DOCs (Colorado, Pennsylvania, and Washington State), the UK (England & Wales) and Canada have no specific needs and risk assessment tools dedicated to assessing foreign offenders.

The third chapter (Chapter 3) focused on the national custodial assessment of foreign nationals incarcerated in the South African DCS. This chapter captured the historical development of offender assessment in the DCS, an overview and critique of assessment tools employed, unit management and assorted services available to both South African and foreign offenders in the DCS, and the deportation of foreign national offenders after being paroled. Similarly, to the British, American, and Canadian DOCs, the DCS does not have a needs and risks tool dedicated to

assessing the foreign offenders in its custody. The Comprehensive Needs and Risks Assessment Tool is employed to assess both South African and foreign offenders. Although the tool covers all the aspects required to assess both South African and foreign offenders, it does not specify whether the offender is a foreigner or not.

The fourth chapter (Chapter 4) concentrated on the methodological outlay of custodial assessment of foreign national offenders. This chapter outlined the need and benefit of this research for the DCS, participants, society at large and the discipline of criminology. This research focussed on a qualitative approach and used six case studies selected from a cohort of Mozambican and Zimbabwean adult, male, foreign offenders, who were then interviewed. To augment the data collected through interviews, the researcher conducted a documents analysis (warrant of arrest and correctional case files). Different professionals and experts in the field of criminology, social work, and corrections who render services to foreign offenders were interviewed. Different criminological theories are discussed and later used to explain the interviewed offender's criminal behaviour.

The fifth chapter (Chapter 5) captured the empirical research. In this chapter, the six case studies were thoroughly assessed and analysed and included all details, such as crime and criminality, family background, educational background, employment history and conduct in the correctional centre. The causes, motives, and contributory factors of criminal behaviour of foreign offender criminality and criminal behaviour were determined. Foreign offender criminogenic needs and risks relating to offending behaviour were identified for self-development and rehabilitation purposes. To link theory to practice, criminal behaviours were explained using different criminological theories and substantiated with literature.

6.2 ACHIEVEMENT OF THE RESEARCH GOALS AND ANSWERS TO THE RESEARCH QUESTIONS

The criminological assessment presented in the case studies focused on in-depth analysis of foreign offender crime and criminality in totality. Individualised and unique sample-specific needs and risks indicators were determined to establish criteria for possible treatment, therapy, and self-development by the DCS for foreign offenders in its custody. The goal of this research study was explorative and aimed at

criminological assessment of the sentenced, adult, African, male, foreign offenders from Mozambique and Zimbabwe. Causes of their crimes, contributory factors and motives were determined and are provided in detail in Chapter 5 and summarised in this chapter (see diagram 5 (a-f)). Additionally, the researcher aimed to answers the following research questions:

1. How do selected international (Canada, Washington State, Colorado State and Pennsylvania State DOCs, and the UK), and national (South African DCS) correctional departments assess foreign offenders incarcerated in their facilities? This question was answered through a literature review provided in Chapter 2. The historical background of offender assessment of each country was provided. The process followed to assess foreign offenders at the respective correctional departments and offender assessment tools used were discussed.
2. What are the causes, motives, and contributory factors related to the sample-specific foreign adult male Mozambican and Zimbabwean offender crimes? This question was answered in Chapter five (empirical study) in which each foreign offender's crime and criminality, family background, educational background, employment history and their conduct in a correctional centre was fully discussed and analysed. Furthermore, the researcher provided an analysis of causes, motives, and contributory factors of each offender's behaviour.
3. What are the needs and risks of sample-specific offenders (Mozambican and Zimbabwean) for effective and individualised rehabilitation efforts? The answers to this question are provided in Chapter five. The researcher determined each offender's criminogenic needs and risks and offered recommendations on how to address those needs to prevent the chance of reoffending. From this empirical study, it is apparent that the needs of foreign offenders differ from those of South African offenders, and the section below provides foreign offenders' distinctive criminogenic needs and risks.

6.3 A SUMMARY OF FUNDAMENTAL DISTINCTIVE CRIMINOGENIC NEEDS AND RISKS OF MOZAMBICAN AND ZIMBABWEAN FOREIGN OFFENDERS COMPARED TO SOUTH AFRICAN OFFENDERS

The criminogenic needs and risks of foreign offenders are different from those of South African offenders as far as:

- Their families are extremely far away, and the majority of them do not receive visits from their families due to the exorbitant cost their families have to incur to travel to South Africa.
- The majority of their friends, relatives and families who are in South Africa are also illegal foreigners and cannot visit them because proper authentic identity documents are required when visiting a correctional centre. Thus, illegal foreign offenders are not often visited while incarcerated.
- Although the results of this research cannot be generalised to the entire foreign offender population in the DCS, most research participants (five out of six) are illegal foreigners who left their native country without proper documents (ID and passport). This hinders them from registering for Grade 12 with the South African Department of Education during their incarceration because an authentic identity document is a prerequisite to register for matric in South Africa.
- Due to their status as illegal foreigners, it is difficult for the CMC team to allocate them to work outside the correctional centre because they pose a risk of escape from custody. This results in them not being offered work opportunities.

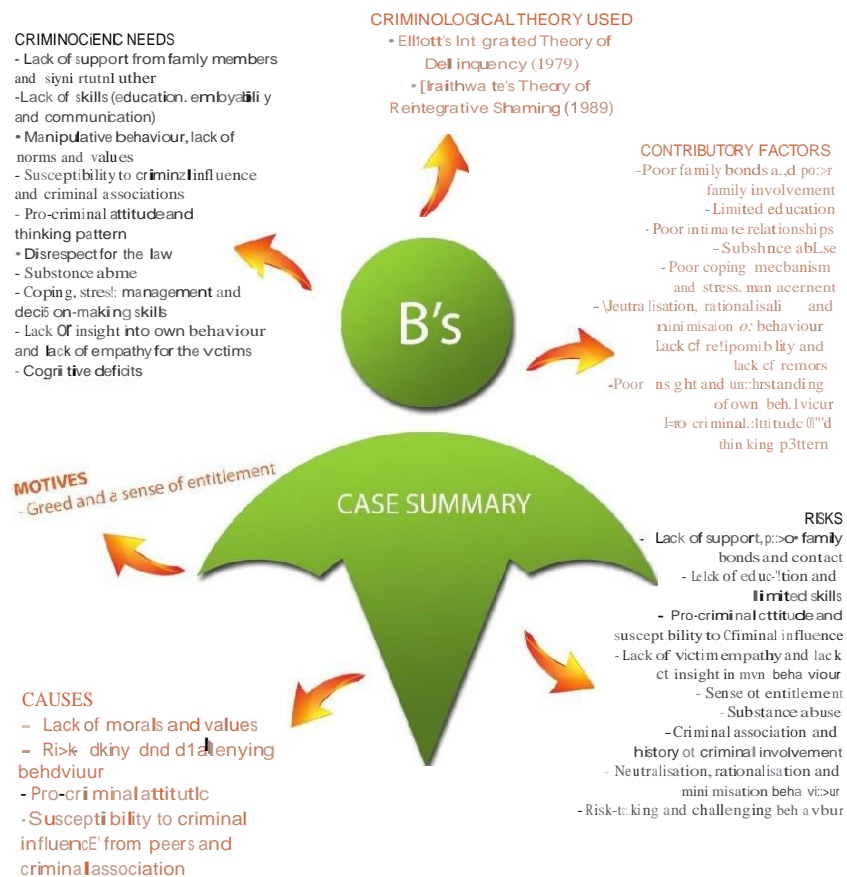
The diagrams below provide a summary of the findings, and each case study is provided below.

DIAGRAM 5 (A-F): A SUMMARY OF ALL CASE STUDIES

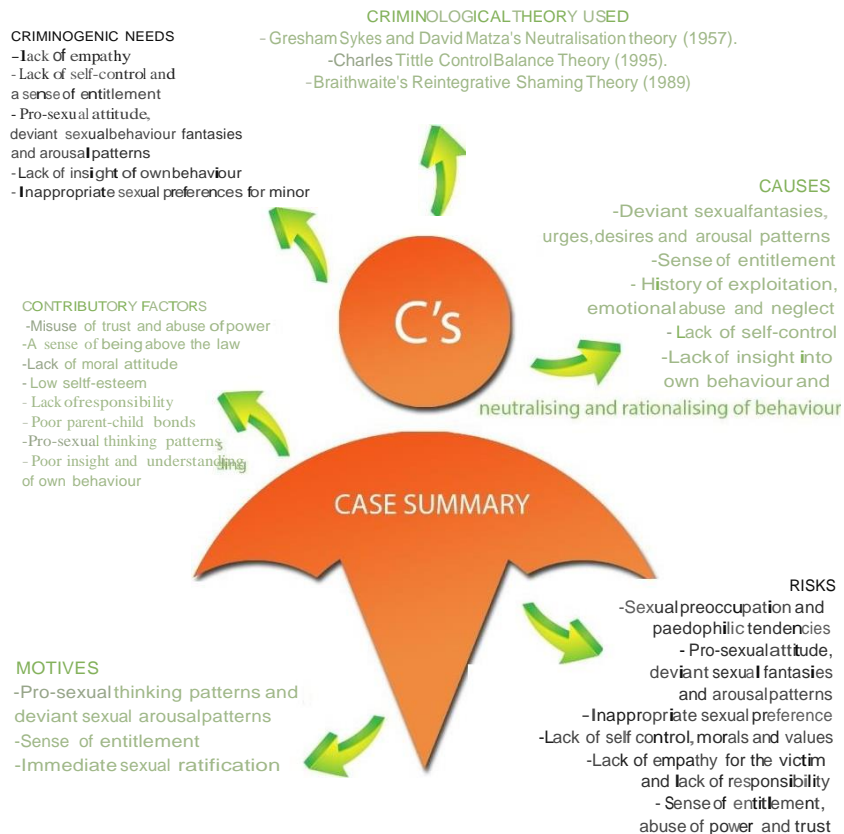
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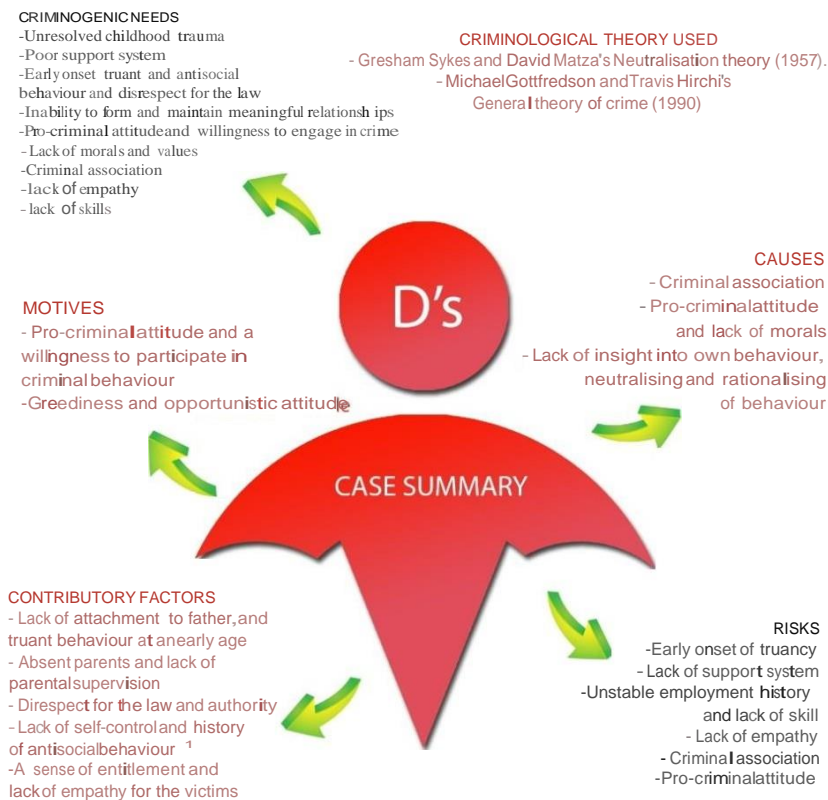
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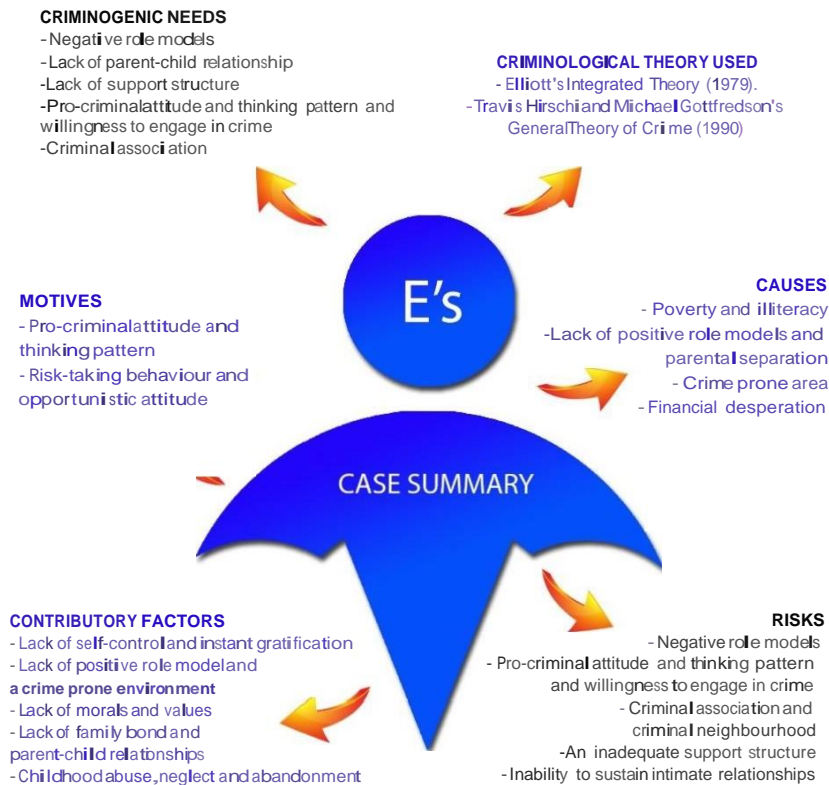
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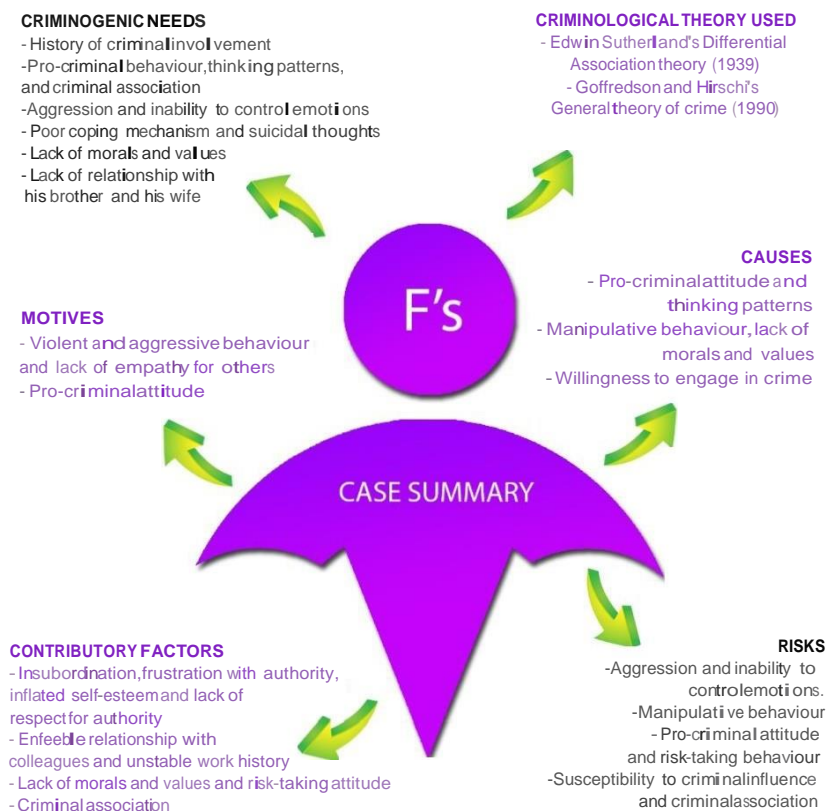
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Analysis of Diagram 5 (A-F):

From the diagrams above, some of the causes, contributory factors, motives, criminogenic needs, and risks of the offenders overlap. Supporting the intertwining of these factors, Hesselink and Booyens (2017:61) state that the above factors oftentimes overlap. Thus, the following factors: pro-criminal attitude, risk-taking behaviour, criminal association and susceptibility to criminal influence, feature in all five categories. To simplify this, the following example is provided, Mr D associated with criminal friends (cause) and because he has a pro-criminal attitude (contributory factor and a motive), he is susceptible to re-offend because his criminal association and pro-criminal attitude are risks. Therefore, to avert Mr D's chances of reoffending, his criminal association and pro-criminal attitude (criminogenic needs) must be addressed through therapy.

6.4 LIMITATIONS AND CHALLENGES OF THE RESEARCH

The following are highlighted as limitations and challenges to the research:

- Most foreign offenders had grand expectations that the research will bring imminent solutions to their problems (being allowed to be visited by their friends and family members who are illegal foreigners and being allowed to register for matric without proper documentation). After being informed about the purpose of the research, many foreign offenders withdrew from participation.
- All the participants claimed not to have committed crime in their native countries. However, the researcher could not verify if the offenders had previous convictions from their native countries. The information regarding their criminality in South Africa could, however, be verified on their warrants and institutional files.
- Lack of or late receipt of SAPS69 and SAPS62 from the sentencing courts, had an effect on the research because the modus operandi of the crimes could not be verified.

6.5 RECOMMENDATIONS

Although it is evident that the criminogenic needs and risks of foreign offenders are distinct from those of South African offenders, namely lack of support from their families and significant others, an inability to register for matric due to lack of valid identity documents, and at times the language barrier that affects their understanding when communicating; addressing these needs is not an easy task. Moreover, allowing foreign offenders' significant others who are illegal migrants to visit them at correctional centres will also be in contradiction to South African immigration law.

South Africa is not a party to the Treaty on Transfer of Prisoners (Engelbrecht, 2018:1) and this forces foreign offenders to serve their sentences in South Africa. When foreign national offenders reach their parole consideration date, they are often granted parole. Foreign parolees are handed over to the DHA to facilitate their deportation (Motswatswe, 2016). Upon deportation, foreign parolees become free in their countries and are not monitored to ensure that they comply with their parole conditions (Mataboge, 2013:7). More often than not, the deported foreign parolees illegally return back to South Africa, and as long as they do not commit a further crime, they are free (Engelbrecht, 2016; Rammutla, 2012). This is a loophole with regard to granting parole to foreign offenders.

To address the challenges the criminogenic needs and risks of foreign nationals, and to fill the gap of foreign parolees who return back in South Africa illegally and they cannot be compelled to comply with their parole conditions, the following recommendations are made:

- The needs and risks of each case study were identified, and recommendations were provided for each case study. It is therefore imperative that such recommendations be taken into consideration as it will assist in addressing each offender's criminogenic needs and risks and aid towards their rehabilitation.
- The DCS should expedite the process of ratifying prisoners transfer agreement within the SADC community. The agreement will ensure that foreign offenders serve their incarceration in their native countries, and their criminogenic needs will be adequately addressed. It is further recommended that the prisoner agreement must encompass a clause that allows the

correctional departments within the SADC community to exchange information regarding offenders when the need arises. This will assist the departments to be aware of any previous convictions that offenders have from their native countries. This will also ensure that foreign national offenders comply with their parole conditions because they will serve the remainder of their sentences in their countries of origin, and those countries will ensure that the offenders under their supervision comply with the parole conditions. To ratify the agreement might also aid in lessening the crimes committed by foreign nationals in South Africa because they will know that committing a crime in South Africa will result in a criminal record in their home countries.

- In the short-term, while negotiating the prisoner transfer agreement, and to address the issue of the language barrier, the DCS should consider offering training in Shona and Xitsonga for its officials because the majority of foreign national offenders are from Mozambique and Zimbabwe and the above languages are predominant in those countries.

6.6 CONCLUSION

This research is the first of its kind in South Africa; previously, there has not been any criminological assessment of the criminogenic needs and risks of sentenced foreign offenders incarcerated in the DCS. Although a small sample (six case studies) was used in this research, and the findings of the research cannot be generalised to the entire population of foreign offenders, this study laid a foundation and can serve as a benchmark for future studies regarding the criminological assessment of foreign offenders in South Africa.

The researcher was able to explore and conduct an in-depth analysis of the criminality and criminal behaviour of the selected sample-specific offenders. The causes, contributory factors and motives of the adult, male, Mozambican and Zimbabwean, foreign offenders were determined, and their criminogenic needs and risks were identified. To address the criminogenic needs and risks of foreign offenders and enhance their self-development and rehabilitation, recommendations for each individual case study were made. Although a recommendation (ratifying prisoner's transfer agreement in SADC) provided above is not a short-term plan; the inhumane conditions experienced at some of the correctional departments in SADC

countries, it should encourage rigorous debate on the implementation of the treaty and the improvement of correctional centre conditions at different corrections colloquiums held in SADC countries.

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ANNEXURE B: ETHICAL CLEARANCE LETTER FROM UNISA



COLLEGE OF LAW RESEARCH ETHICS SUB-COMMITTEE

P O Box 392,
0003 PRETORIA

Chairperson: Prof MN Slabbert

☎ : +27 12 429 8305 (office)

☎ : +27 12 429 3442

+27 (0)84 581 2576 (mobile)

✉ : slabbmn@unisa.ac.za

🏠 Cas van Vuuren building 4-103

3 May 2012

Dear Mr KG Mmutlane

REQUEST FOR ETHICAL CLEARANCE: African adult sentenced male foreign offenders within the North West Province incarcerated at Losperfontein (Brits, South Africa) Correctional Centre: A Criminological Offender- and Offence-Specific Assessment.

The Unisa College of Law Research Ethics Sub-Committee is pleased to inform you that ethical clearance for the above research project has been approved. The Committee is satisfied with your revised application.

We kindly request that you immediately notify the Committee in the case of an adverse result arising. We also trust that sampling and processing of the relevant data will be undertaken in a manner that is respectful of the rights and integrity of participants, as stipulated in the Unisa Research Ethics Policy, which can be found at the following website:

http://www.unisa.ac.za/contents/research/docs/ResearchEthicsPolicy_apprvCounc_21Sept07.pdf

Kind regards

A handwritten signature in black ink, appearing to read "MN Slabbert".

PROF MN SLABBERT

ANNEXURE C: CONSENT TO PARTICIPATE IN RESEARCH

Participant's Name..... **Date**

Researcher: KG. Mmutlane

Address: P.O. Box 7112

Pretoria

0001

Contact Numbers: 012 307 2259 (Office)

073 4537 826 (Cell)

INFORMED CONSENT

1. Title of the research study

African adult sentenced male foreign offenders within the North West Province incarcerated at Losperfontein (Brits, South Africa) Correctional Centre: A Criminological Offender-and Offence-Specific Assessment.

2. Background and purpose of the study

Since the year 2007, there has been an upsurge of foreign offenders incarcerated in the South African correctional facilities. Despite their presence and their increase in number and their unique needs and risks, there is a paucity of research with regard to foreign offender assessment practices in South Africa. Adding to the need for this research, the DCS's White Paper on Corrections (2005:168) explains that the Department of Correctional Services (DCS) is not able to adequately understand the causes of crime, the nature of community of origin and the family and social environment from which the foreign offenders came from and to which they will return. Therefore, the purpose of this research study is to assess foreign offenders to determine their assessment criteria to assist the DCS with a better understanding of this specific offender population's assessment targets for treatment purposes. Foreign offenders from Zimbabwe and Mozambique constitute the majority of foreign offenders. Only foreigners from these countries will be included for sampling purposes. The findings of this research study may lay a foundation for the

development of a scientifically based assessment tool for foreign offenders accommodated in the correctional facilities of the DCS. The outcome of this research can also bring to the fore the unique needs and risk of foreign offenders.

The researcher is a student enrolled for Master's in Criminology with the Department of Criminology and Security Sciences at the University of South Africa (UNISA). Therefore, the DCS and UNISA ethical committees acknowledged and approved this research study.

3. Benefits to the Participants

I understand that I shall not benefit directly from participating in this research study. However, I understand that participating in this research study can assist the DCS to understand my needs and risks and bring forward my unique indicators which can assist in my rehabilitation process. I am fully aware that no certificate for parole purpose will be awarded for participating in this research venture.

4. Rights

I understand that my participation is voluntary and that I can choose to withdraw from the research study at any stage if I so wish to do so without suffering any negative consequences such as being regarded as negative and not willing to cooperate with the authority and subsequently jeopardising my parole date.

I understand that the researcher requested permission from the DCS' authority/ Research Ethical Committee to have access to my Case Management Committee (CMC) file and warrant of detention. I understand that I have the right to refuse the researcher such access and should I deny him, he will respect my decision.

I further understand that the researcher will utilise a tape recorder to record my interviews. This will assist the researcher when analysing data for the research study. However, I reserve the right to allow him whether to record my interview or not.

Please tick the appropriate box

I authorise the researcher to have access to my CMC file and the warrant of detention

☐ **Yes**

☐ **No**

I authorise the researcher to record my interviews

☐ Yes

☐ No

5. Confidentiality and anonymity

I understand that the researcher will treat all the information as confidential. Although my identity will be revealed to the researcher, he will take the necessary steps to protect my anonymity by not including my name or identifying particulars in his report and that he will destroy the data should I withdraw from the research study. I further understand that the interview will take approximately one hour thirty minutes, and the researcher will safely keep the data in a lockable drawer. After five years has lapsed the data used to compile a research report will be destroyed by shredding.

I further understand that the completed study report (in the form of a thesis/dissertation) will be made available to the Department of Criminology and Security Science at the University of South Africa (UNISA) and Department of Correctional Services. Moreover, I am aware that the data in this research might be used in publications such as journals. However, this will be done without my identity. Furthermore, the researcher will make a copy of the final report (dissertation) available to the Losperfontein correctional centre's library, where I was a participant, can access it.

I hereby declare that I understand my rights as a research participant and that I volunteer to participate in this study.

Signature

Date.....

ANNEXURE D: CONSENT TO PARTICIPATE IN RESEARCH (SETSWANA)

TUMELELO YA GO TSAYA KAROLO MO PATLISISONG

Leina la Motsayakarolo:

.....**Letlha:**.....

Mmatlisisi: K.G. Mmutlane

Aterese: P.O. Box 7112

Tshwane

0001

Dinomore tsa mogala: 012 307 2259 (Nomoro ya kantoro)

072 6883 073 (Nomoro ya mogala wa letheke)

TUMELELO KA KITSO YA MOTSAYA-KAROLO

1. SETLHÔGO SA PATLISISO

Bagolegwa ba Batswa-ntle ba Afrika mo Porofinseng ya Bokone-Bophirima ba ba tswaletsweng kwa kgolegolong ya Losperfontein (Brits, Afrika Borwa): Tlhatlhobo ya Bonetetshi jwa Bosinyi e e lebaneng mogolegwa le molato wa gagwe.

2. BOTSO LE MAIKEMISETSO A BOITHUTI JO.

Fa e sale go tloga ka ngwaga wa 2007, go nnile le koketsego ya bagolegwa ba batswa-ntle mo dikgolegolong tsa Afrika Borwa. Le fa ba le teng e bile ba oketsegile ka palo mme ba na le ditlhokego le mathata a a sa tshwaneng le a ba bangwe, go na le tlhalelo tebang le dipatlisiso ka bagolegwa ba batswa-ntle. Go tlatsa mo tlhokegong ya dipatlisiso tsa mothale o, Pampiri Tshweu ya Dikgolegelo (2005: 168) e tlhalosa gore Lefapha la Ditirelo tsa Kgopololo (Department of Correctional Services: DCS) ga e kgone go tlhaloganya ka botlalo mabaka a bosenyi, mofuta wa loago, losika le tikologo tse ba tswang kwa go tsona le go boela kwa teng. Kajalo, maikaelelo a patlisiso eno ke go sekaseka bagolegwa ba batswa-ntle le go lebelela selekanyo se se lebaneng bagolegwa ba banna ba ba godileng ba batswa-ntle se se tla thusang DCS go tlhaloganya bagolegwa ba mothale o, mo maitekong a Lefapha a go ba sokolola. Bagolegwa ba batswa-ntle ba kwa Zimbabwe le Mozambique ke bona ba ba leng bantsi kajalo, ke bona batla tsenngwang mo sekai-tirisong (sample) ya

patlisiso eno. Diphithlelelo tsa patlisiso eno di ka baya motheo wa go tla ka selekanyo sa bonetetshi go nna sediriswa sa tlathlho bo ya bagolegwa ba batswa-ntle ba ba mo dikgolegolong tsa DCS. Diphithlelelo tsa boithuti jo di tla ribolola le ditlhokego tsa bagolegwa ba batswa-ntle tse di ka neng di sa tshwane le tsa ba bangwe.

Mmatlisisi (researcher) ke Moithuti yo o dirang gerata ya Master's ya mo Lefapheng la Boithuti-tshenyio le Bonetetshi jwa Polokego (Department of Criminology and Security Sciences) kwa Yunibesithing ya Afrika Borwa (UNISA). Kajalo, dikomiti tse di netefatsang dipatlisiso tse di siameng (Ethical Committees) tsa DCS le UNISA di itse ka patlisiso eno mme di e letleletse.

3. MOSOLA WA BOITHUTI JO MO BATSAYA-KAROLONG.

Ke tlhaloganya ke le motsaya-karolo gore ga ke ne ke bona maduo ape ka go tsaya karolo ga me mo patlisisong eno. Fela ke tlhaloganya gore go tsaya karolo ga me go ka thusa DCS go tlhaloganya ditlhokego le mathata a me le go ribolola matshwao a a maleba a a ka thusang mo go sokololweng ga me. Ke a itse gore ga go na setlankana (certificate) se ke tla se newang malebana le kgololo-pele (parole) ka go nna le karolo ga me mo patlisisong eno.

4. DITSHWANELO

Ke tlhaloganya gore go tsaya karolo ga me ke ka go ithaopa e seng pateletso le gore nka ikogogela morago mo patlisisong eno nako nngwe le nngwe e ke e ratang kwa ntle ga go lejwa maswe jaaka motho yo o senang tirisano-mmogo le ba bagolo mo molaong, le gore ga ke a go tsenya letlha la me la kgololo-pele mo kotsing.

Ke tlhaloganya gore mmatlisisi o kopile tetla mo komiting e e netefatsang tshiamo ya dipatlisiso (Ethical Committee) ya Lefapha la Kgopololo (DCS) go bona faele ya me ya Komiti ya Botsamaisi jwa Dikgetsi [Case Management Committee (CMC)] le thebolelo ya kgolego (warrant of detention). Ke tlhaloganya gape gore ke na le tshwanelo ya go gana gore mmatlisisi a fiwe tetla eo le gore fa nka gana jalo, o tla tlhompsha tshwetso ya me.

Mo godimo ga moo, ke tlhaloganya gore mmatlisisi o tla dirisa segatisa-mafoko (tape recorder) go gatisa puo ya rona. Se se tlaa thusa mmatlisisi fa a sekaseka diteng tsa patlisiso eno. Fela, ke na le tshwanelo ya go gana gore a ka gatisa puisano ya rona.

Tshwaya mo lebokosong le le maleba

Ke dumelela mmatlisisi gore a lebelele faele ya me ya CMC le thebolelo ya kgolego (warrant of detention).

☐

Ee

☐

Nyaa

Ke letlelela mmatlisisi go gatisa puisano ya rona

☐ Ee

☐ Nyaa

5. PHITLHELELO

Ke tlhaloganya gore mmatlisisi o tla tsaya kitso yotlhe jaaka e e fitlhegileng. Le fa boikao jwa me bo tla bo boitsege go mmatlisisi, o tla tsaya dikgato tsotlhe tse di tlhokegang go sireletsa go sa itsiweng ga me ka go sa tsenyeng leina la me kana sepe se se itseseng ka ga me mo pegelong ya gagwe le gore o tla senya diteng tse ke mo neileng tsona fa nka ikogogela morago mo patlisisong eno. Ke tlhaloganya gape gore mmatlisisi o tlaa boloka diteng tsa boithuti jo go fitlhela bo konosediswa le gore morago ga ngwaga tse tlhano o tlaa di senya ka go di gagolaka.

Gape ke tlhaloganya gore pegelo ya patlisiso e e tla nna bukana (thesis/dissertation) e e tlaa neelwang Lefapha la Boithui-tshenyo le Bonetetshi jwa Polokego (Department of Criminology and Security Sciences) kwa Yunibesithing ya Afrika Borwa (UNISA) le Lephapha la Kgopololo (Department of Correctional Services) Mo godimo ga moo, ke a itse gore diteng tsa boithuti jo di ka itsisiwe ka go phasalatswa mo dikwalong tsa botlhe (journals). Fela se se tlaa dirwa ntle le go itsise gore ke mang. Mo godimo ga moo, mmatlisisi o tla bonagatsa nngwe ya dikgatiso tsa pegelo e (a copy of the dissertation) kwa ntlolong ya dibuka le kitso (library) ya kgolegelo ya Losperfontein foo le nna ke leng motsaya-karolo nka e bonang teng.

Kei kana gore ke tlhalogantse ditshwanelo tsa me jaaka motsaya-karolo le gore ke ithaopa go nna le seabe mo boithuting jono.

Tshaeno (Signature):

Letlha (Date):

ANNEXURE E: SEMI-STRUCTURED INTERVIEW SCHEDULE

SEMI-STRUCTURED INTERVIEW SCHEDULE

Date:.....Duration of Interview.....

Correctional centre: Losperfontein correctional centre

Country of Nationality:

BIOGRAPHICAL DETAILS

Name

The current age of the offender

Marital status (married, widower, divorced, single)

Accommodation in South Africa (renting/ owner of the property or staying in informal settlement/squatter camp, or live on the streets)

Type of neighbourhood (informal settlement, farm, rural area/village, government housing/RDP, township, inner city, or a suburb)

Status (legal/illegal immigrant)

- ☐ If legal, possession of valid document such as work/study permit
- ☐ If illegal, method of access to South Africa
- ☐ Motives/reasons to visit or reside in South Africa

Religion Socioeconomic

status **FAMILY OF**

ORIGIN BIOLOGICAL

FATHER Name

Age

Highest qualification

Occupation

Employment history /unemployment history

Criminal record

Substance Abuse (history of both alcohol and drug abuse)

Alive/deceased

BIOLOGICAL MOTHER

Name

Age

Highest qualification

Occupation

Employment /unemployment history

Criminal record

Substance Abuse (history of both alcohol and drug abuse)

Alive/Deceased

Type of marriage (legal or customary)

Marital relationship (spousal abuse, conflict, divorce, separated, death)

SIBLINGS

Number of siblings and sibling's outlay (brothers, sisters, stepbrothers and stepsister)

Age of siblings

Highest qualifications

Type of relationship between the offender and sibling(s)

Substance Abuse (history of both alcohol and drug abuse)

Criminal record

SUPPORT STRUCTURE DURING INCARCERATION

Contact with parents

Contact with siblings

Contact with wife/partner

Contact with children

Contact with extended family members

Contact with noncriminal /law-abiding friends

Contact with criminal friends

FINANCIAL SUPPORT

Problems

Source of income **DEVELOPMENTAL**

HISTORY Childhood care (foster

care/parental care)

Childhood abuse (emotional, sexual, physical abuse, neglected

Attachment to parents

Parent-child relationships

Child-rearing practices (type of care)

Foster care

Discipline style

Parental supervision

Childhood exposure to violence and aggressive behaviour

Cruelty to animals

MARITAL AND NON-MARITAL INTIMATE RELATIONSHIPS

FIRST PARTNER

Name of partner

Age

Highest qualification

Occupation

Employment record/history

Children (number of children the offender has with the partner and stepchildren)

Relationship with children (e.g. conflict relationship, cold, close relationship, loving, uncaring)

Spousal abuse (emotional, physical, sexual, and financial abuse)

Substance Abuse (history of both alcohol and drug abuse)

Criminal history

Conflict and marital discord

Communication problems

Custody of children

Reason for separation/break up

SECOND PARTNER

Name of partner

Age

Highest qualification

Occupation

Employment record/history

Children (number of children the offender has with the partner and stepchildren)

Relationship with children (e.g. conflict relationship, cold, close relationship, loving, uncaring)

Spousal abuse (emotional, physical, sexual, and financial abuse)

Substance Abuse (history of both alcohol and drug abuse)

Criminal history

Conflict and marital discord

Communication problems

Custody of children

Reason for separation/break up

THIRD PARTNER

Name of partner

Age

Highest qualification

Occupation

Employment record/history

Children (number of children the offender has with the partner and stepchildren)

Relationship with children (e.g. conflict relationship, cold, close relationship, loving, uncaring)

Spousal abuse (emotional abuse, physical abuse, sexual abuse, financial abuse)

Substance abuse (history of both alcohol and drug abuse)

Criminal history

Conflict and marital discord

Communication problems

Custody of children

Reason for separation/break up

MARITAL PARTNER

Name of partner

Age

Highest qualification

Occupation

Employment record/history

Children (number of children the offender has with the partner and stepchildren)

Relationship with children (e.g. conflict relationship, cold, close relationship, loving, uncaring)

Spousal abuse (emotional, physical, sexual, and financial abuse)

Substance Abuse (history of both alcohol and drug abuse)

Criminal history

Conflict and marital discord

Communication problems

Custody of children

Reason for divorce

EDUCATION AND SCHOOL EXPERIENCES

Highest qualifications

Completed courses

Diplomas

Degrees

Reading, writing and numeracy skills

PRIMARY SCHOOL

Hobbies

Participation in sport Sport

achievement Academic

achievement Leadership

positions Relationship with

peers Relationship with

peers Relationship with

teachers Truancy

Criminal and/or antisocial involvement

Antisocial/criminal peers

Cult involvement

Substance abuse

School failure

Learning problems

Attendance of a special, industrial/reformatory school

Reasons for attending special, industrial/reformatory school

Expelled from school

SECONDARY SCHOOL

Hobbies

Participation in sport

Sport achievement

Academic achievement

Leadership positions

Relationship with peers

Relationship with peers

Relationship with teachers

Truancy

Criminal and/or antisocial involvement

Antisocial/criminal peers

Cult involvement

Substance abuse

School failure

Learning problems

Attendance of a special, industrial/reformatory school

Reasons for attending special, industrial/reformatory school

Expelled from school

EMPLOYMENT HISTORY

EMPLOYMENT HISTORY IN NATIVE COUNTRY

Employment history record

Type and/or area of employment

Relationship with fellow workers

Relationship with manager and/or people in authority

Performance problems

Absence from work and reasons for that

Termination of service and reasons for that

Unemployment history

EMPLOYMENT HISTORY IN SOUTH AFRICA

Employment history record

Type and/or area of employment

Relationship with fellow workers

Relationship with the manager and/or people in authority

Performance problems

Absence from work and reasons for that

Termination of service and reasons for that

Unemployment history

HISTORY OF SUBSTANCE

Age onset for the use of drugs and alcohol

Prior to alcohol addiction

Prior drug addiction

Current drug addiction

Type of drugs

Involvement in drug smuggling inside the correctional centre

In possession of a substance

Medical problems due to substance abuse

CRIMINAL HISTORY

CRIMINAL HISTORY IN NATIVE COUNTRY

Previous convictions and previous sentences

Length of sentence

Admission date

Age during the commission of a crime

Prior convictions types of crimes committed

Prior arrest that resulted in no convictions

Time between arrests

Modus operandi

Causes

Triggers

Parole and/or probations violations

Escape and/or attempted escape

Disciplinary hearings (while incarcerated)

Relationship with fellow inmates during the previous incarceration

Type of release (was he released on the sentence expiry date or on parole)

If released on parole, compliance with parole terms or parole revoked

CRIMINAL HISTORY IN SOUTH AFRICA

Previous convictions and previous sentences

Present conviction

Length of sentence

Admission date

Age during the commission of a crime

Prior convictions types of crimes committed

Prior arrest that resulted in no convictions

Time between arrests

Modus operandi

Causes

Triggers

Parole and/or probations violations

Escape and/or attempted escape

Disciplinary hearings (while incarcerated)

Relationship with fellow inmates during the previous incarceration

Type of release (was he released on the sentence expiry date or on parole)

If released on parole, compliance with parole terms or parole revoked

OFFENCE ANALYSIS

Planning of the offence

Grooming of victims

Nature of crime committed

Type of crimes

Use of force, coercion, and brutality

Use of weapon

Influence of substance

Type of harm caused to the victim

Motive(s)

Modus operandi

Causes

Triggers

Entering South Africa

VICTIM CHARACTERISTICS

Gender of the victim(s)

Age of victim(s)

Number of victims Relationship to
the victim(s) **COMPANIONS/**

ASSOCIATIONS Social isolation

Number of friends

Cult involvement

Gang involvement

Criminal friends

Law-abiding friends

LEISURE AND RECREATION

Involvement in a sport in prison

Hobbies

Studies

Committees

COGNITIVE FUNCTIONING

Suicidal thoughts/suicidal attempts

Level of adaptation

Self-control and impulse control

Self-esteem Respect

for others Victim

empathy Insight into

behaviour Level of

responsibility

Pro-criminal thinking patterns

Sense of entitlement

Rationalisation, justification, minimalisation

Life stressors

Coping mechanisms

Fears

Attitude (authority, the victim(s), society, family, partner, children, and self

Hostility and anger History

of mental illness Short-and

long-term goals

INVOLVEMENT IN CORRECTIONAL PROGRAMMES AND OTHER TREATMENT

Correctional programmes attended

Social work programmes attended

Social work individual therapy or counselling

Psychological treatment

Psychiatric treatment

Motivation to attend programmes

ANNEXURE F: NATIONAL EXPERTS AND EMPLOYEES OF THE DCS CONSULTED

Local experts in various professions; namely criminology, penology, social work, education, agriculture and international researchers in the criminal justice system and corrections, were consulted. A brief overview of their expertise is provided below.

Officials Based at National Head Office of the DCS

The researcher consulted and interviewed the following officials who are managers in different directorates at the head office of the DCS.

❖ Mr Monacks: Former Director of Risk Profile Management Directorate

Mr Monacks is a former Director of Risk Profile Management since the Directorate was established in 2003 in the DCS. He was previously Director of Employee Relations and Director Spiritual Care in the DCS. Mr Monacks holds a Diploma in Theology, BA Psychology, BA Honours in Labour Relations and a Master's degree in Biblical Studies from the University of Johannesburg.

He oversaw the establishment of the Risk Profile Management Directorate, the development of offender assessment tools and the CSP. He led the team that researched international offender assessment tools, with the aim of benchmarking, reviewing and modifying offender assessment tools in the DCS, until his retirement in 2018. Interviewing Mr Monacks was paramount to this research as he has extensive knowledge regarding the history of the development of offender assessment tools in the DCS. As a point of departure for this study, the inputs he gave during the interview assisted the researcher in understanding and capturing the historical development of offender assessment tools in the DCS.

❖ Ms Moodley, Deputy Director, Offender Behaviour Assessment, Risk Profile Management Directorate

Ms Moodley is a social worker by profession. She holds a BA degree in Social Work from the University of KwaZulu-Natal (Durban Westville Campus). She has 30 years of unbroken service in government. In her career as a social worker, she worked for the Department of Social Development (DSD) and the Department of Health (DH). While employed by the DSD, she worked at the following sections: statutory social work services, generic social work services and probation social work services. She was later elevated to chief social worker managing child emergency services.

Ms Moodley is currently employed as a Deputy Director Offender Behavioural Assessment by the DCS where she is based at the Risk Profile Management Directorate. Her area of responsibility includes, amongst other things, the development of tools to assess, classify and profile offenders, the development of the CSP and tools to review offender progress during rehabilitation. She played a pivotal role in this research because she provided information regarding assessment and classification tools used in the DCS.

❖ **Dr Plaatjies: Former Director of Correctional Programmes Directorate and currently a Deputy Commissioner: Personal Development**

Dr Plaatjies, a social worker by profession, obtained her diploma in social work from Minnie Hofmeyr College in the Western Cape. She holds a bachelor's degree majoring in Criminology and Psychology, Honours degree in Criminology, a Master's degree in Criminology and DLitt et Phil in Penology. All of her degrees were awarded by UNISA. Dr Plaatjies practised social work for 16 years both in NGOs and at the DCS. She is a former Director of the Correctional Programme Directorate. As a former director, she led a team that researched and developed correctional programmes that target offending behaviour. She is currently a Deputy Commissioner: Personal Development. In her capacity as Deputy Commissioner, she leads and heads the formal education, skill development, workshops and agriculture, sports, and recreation directorates in the DCS.

Upon completion of native and foreign offender assessment (identification of needs and risks), they are recommended to attend correctional programmes based on their assessment outcome. Thus, it was vital to interview Dr Plaatjies because she provided the researcher with the information regarding correctional programmes offered to foreign offenders in the DCS.

❖ **Mr Gqili: Former Director of Formal Education Directorate**

Mr Gqili is a teacher by profession. He holds a Bachelor of Science (BSc) in Education from the National University of Lesotho: Roma, and a Higher Education Diploma from UNISA. He worked as a part-time teacher in the Eastern Cape from 1980 to 1981. He took a break from teaching to further his studies for a period of five years and he re-joined the Eastern Cape Department of Education as a full-time teacher in 1986. In 1990 he joined a multi-racial private school until 1993 when he was appointed as a Deputy Principal in a public school. He was elevated to a school principal position in 1994, and served until 1995, before joining the DCS as a Control Educationist in 1996.

In 1999, he was promoted to the post of Deputy Director Regional Coordinator Education and Training for the Eastern Cape Region. In 2004, he was appointed as a Director: Sport, Recreation, Arts and Culture (SRAC). Taking into consideration the wealth of experience he had as a teacher, he was promoted to Director Formal Education, where he was responsible for overseeing the education of offenders in custody of the DCS, and also leads a team that monitors all schools in correctional centres.

Education offers offenders the opportunity, and the ability to thoughtfully evaluate their decisions regarding life challenges, such as poverty and unemployment, and this might assist them to lead crime-free lives and remain outside correctional facilities (Halsey & Deegan, 2015:82; Siegel & Bartollas, 2016:250). Thus, South African and foreign offenders in the custody of the DCS are encouraged to seize opportunities to study while serving their sentences. It was vital to interview Mr Gqili because he provided the researcher with information regarding educational programmes offered to foreign offenders in the DCS.

❖ **Ms Lepule: Director: Production Workshops and Agriculture Directorate**

Ms Lepule obtained a Magister Technologiae (M-Tech) in Agriculture from the Central University of Technology in Bloemfontein. She has sixteen years' experience in the field of agriculture. She holds the post of a Director: Production Workshops and Agriculture Directorate. Among other things, she is responsible for providing strategic leadership in production workshops and agriculture, policy development, monitoring and evaluating compliance with applicable legislation and policy by officials at an operational level and providing workshop and agricultural technical support. Ms Lepule provided the researcher with information regarding production workshops and agricultural programmes offered to foreign offenders as part of rehabilitation.

❖ **Ms Masilela: Assistant Director, Production Workshop Operation, Production Workshops and Agriculture Directorate**

Ms Masilela holds a National Senior Certificate in Clothing and Production from Tshwane North College and a National Diploma in Clothing Management from the University of Johannesburg. She completed her experiential learning at Edcon and was based at the Quality Assurance Department for men's wear. She is currently an Assistant Director: Production Workshop Operation in the Production Workshops and Agriculture Directorate at the DCS.

Amongst her duties, she is responsible for monitoring compliance standards at production workshops and the provision of technical advisory services at the operational level. She monitors the economic feasibility of production workshops (wood, steel, textile, shoe, bakeries, and sanitary towel manufacturing factories). She manages partnerships between the DCS and other government departments. She also manages the expansion and creation of new production workshop products and enhances the self-sufficiency of production workshops. Ms Masilela shared essential information with the researcher regarding workshops in the DCS. Interviewing her provided the researcher with information regarding skills training offered to foreign offenders in the workshops of the DCS.

❖ **Ms Makhuza: Director of Social Work Services Directorate**

Ms Makhuza holds a degree in Social Work from the University of Zululand. She commenced work in the DCS (former Department of Prisons) in 1986 as a social worker, in the rank of a warrant officer based at the Kgoši Mampuru II Correctional Centre (former Pretoria central). In 1987, she was elevated to the rank of Lieutenant then to the rank of Captain in 1988. She worked at Leeuwkop Youth Correctional Centre as a senior social worker from 1993 to 1997. She was appointed an Area Commissioner (Director Level) of Baviaanspoort Management Area from 1997 to 1998. From 1998 to 2000, she was deployed as Head: Communication Service Directorate based at National Head Office. She was redeployed to lead the Equity Directorate at the National Head Office from 2000 to 2003.

From 2003 until 2006, Ms Makhuza was redeployed to correctional centre management level where she occupied a position of Area Coordinator: Development and Care Programmes. In this post, amongst other things, her work entailed managing social work, psychological, and health care services.

From 2006 to 2007, she was shifted to the post of Area Coordinator: Corporate Services of Kgoši Mampuru II Management Area, a post she held briefly before being redeployed back to the National Head Office to head the Gender Desk. In 2011 the post of Director Social Work Services at the National Head Office became vacant and, she was deployed to lead the Directorate of Social Work Services. Ms Makhuza has a wealth of experience in various positions in the DCS, and it was imperative to interview her about social work services offered to foreign offenders in custody of DCS.

❖ **Ms Boikhutso: Former Deputy Director: Social Work Policy (Social Support Services) Social Work Services Directorate**

Ms Boikhutso holds a degree in Social Work from the University of Limpopo. She started as a social worker for the then Bophuthatswana Department of Health from 1983 to 1990. She joined the DCS as a senior social worker in 1991 and was based at the Mogwase Correctional Centre in the North West Province until 1995. Ms Boikhutso was elevated to the post of a chief social worker at the Losperfontein Correctional Centre in Brits from 1996 to 2002. In 2002, she was appointed an Assistant Director: Female, Aged and the Disabled, in the Social Work Directorate at the National Head Office of the DCS. In 2005, Ms Boikhutso was appointed to her current post. Amongst her duties, she was responsible for the following:

- Developing policy strategies for the provision of services aimed at enhancing the well-being of persons in the care of the DCS.
- Aligning social work policies with the Department's legislation and those regulating the social work profession.
- Initiating development and maintaining policies for the provision of comprehensive social work services, to all categories of offenders including special categories (such as children, youth, females, aged and disabled offenders).

Due to her wealth of experience in social work services offered in the DCS, it was vital to interview Ms Boikhutso. She gave the researcher a brief overview of social work services in the DCS.

❖ **Ms Seloane: Deputy Director Social Work Policy: (Special Categories) Social Work Services Directorate**

Ms Seloane holds a Bachelor of Arts in Social Science and majored in Social Work and obtained an Honours Degree in Industrial and Organisational Psychology from UNISA. She also holds a post-graduate Diploma in Human Resources Management from the University of Johannesburg and has more than ten years of social work experience in NGOs and government departments. She joined the DCS as a senior social worker in 2003 and was based at Kgoši Mampuru II Correctional Centre. In 2004, she was elevated to the post of a chief social worker.

In 2009, Ms Seloane was appointed an Assistant Director: Research and Development at the Directorate of Social Work, based at National Head Office.

Currently, she holds the rank of Deputy Director: Special Categories, at the same Directorate. Inter alia, her work includes the following:

- Facilitating the training of social workers in programmes, policies, and policy procedures.
- Conducting research for the delivery of social work services.
- Monitoring and evaluation of services and programmes in different regions of the Department.

Ms Seloane because she provided the researcher with information regarding different social work programmes offered to native and foreign offenders to assist with rehabilitation.

❖ **Mr Engelbrecht: Director Correctional Administration Directorate**

Mr Engelbrecht has thirty-six (36) years' experience in working at the National Head Office of the DCS. He holds a National Diploma in Prison Management from the former Technikon South Africa (currently UNISA). He held the rank of Deputy Director at the Correctional Administration Directorate and was later appointed a Director at the same Directorate. His wealth of experience working for the Department attracted several institutions of higher learning. From 1994 to 1999, he was offered a post as a tutor for the Correctional Service Administration module, by the former Technikon South Africa.

In 2005, Intec College contracted Mr Engelbrecht to develop study material for the Applied Penology module. From 2005 to 2009 he was offered a post as a part-time lecturer by the Tshwane University of Technology. His work as a Director at the Correctional Administration Directorate entails inter alia, management of Case Management Committees and the lock-up totals of all the offenders in the DCS, developing and reviewing applicable policy procedures regarding correction administration (the admission, detention and release of offenders as well as monitoring the implementation thereof). Mr Engelbrecht is also responsible for dealing with enquiries from Parliament, the Media, NGO's, the Auditor General and the Portfolio Committee on Correctional Services. Due to his wealth of experience regarding admission and release of offenders, it was important to interview Mr Engelbrecht. He briefed the researcher regarding procedures for the admission and release of foreign offenders.

Officials based at Losperfontein correctional centre

❖ Mr Motswatswe: Chairperson of the Case Management Committee

Mr Motswatswe has more than twenty years' experience in working for the DCS and previously worked as a secretary of the Rustenburg Management Area's Correctional Supervision and the Parole Board. He is currently a chairperson of the Case Management Committee at the Losperfontein Correctional Centre. Based on reports that he and his team receive from housing units, school, and social work sections, he and his team provide recommendations to the Correctional Supervision and Parole Board regarding offender behaviour. It was important to interview Mr Motswatswe as he shared knowledge regarding the procedures followed regarding the release of foreign offenders.

❖ Mr Mabasa: Head of the Reception/Assessment Unit at Losperfontein Correctional Centre

Mr Mabasa has worked for the DCS for twenty-five years. In his career as a correctional official, he headed several sections, namely Unit-A which previously housed maximum offenders, and the B unit which houses medium offenders.

Mr Mabasa also headed the security section of Losperfontein Correctional Centre. He is currently the head of the Assessment Unit, and he leads CAOs and Correctional Intervention Officials (CIOs) at the correctional centre level. Inter alia, he and his team are responsible for the following:

- Admission and release of South African and foreign offenders.
- Ensuring that all sentenced offenders are assessed and classified before being transferred to housing units.
- Arranging transfers of South African and foreign offenders within the DCS.
- Arranging deportation orders for foreign offenders.
- Notifying the DHA regarding the release date of foreign offenders.
- The safekeeping of offender cash and private clothes.

Since this research focuses on the custodial assessment of foreign offenders, it was imperative to interview Mr Mabasa as he is responsible for overseeing the implementation of offender assessment tools used at the Losperfontein Correctional Centre.

❖ **Ms Gouws: Former Senior Social Worker and Divisional Head of Social Work Services at Losperfontein correctional centre.**

Ms Gouws holds a bachelor's degree in Social Work from North-West University (Potchefstroom campus, 1990) (former University of Potchefstroom). She worked for two years (1990-1992) as a social worker for the South African National Defence Force, where she held the rank of a captain. She resigned from the Defence Force and joined the non-profit organisation, Christian Social Council, where she worked from 1993 to 1999. Ms Gouws joined the DCS in 1999 at the Rustenburg management area, where she worked as a social worker based at the community correction's office in Brits. She was later (2003) transferred to Losperfontein Correctional Centre to head the social work services division. Thus, she has 16 years' experience working for the DCS. With the extensive working experience that Ms Gouws has of working with native and foreign offenders, it was important to interview her, and she shared some of the challenges (needs) that foreign offenders face during incarceration.

ANNEXURE G: INTERNATIONAL RESEARCHERS AND OFFENDER ASSESSMENT EXPERTS

Electronic mail communication and questionnaires regarding custodial offender assessment and assessment tools employed internationally were sent to the following researchers:

❖ Ms Deb Perkins: Former Researcher, Colorado Department of Corrections (USA)

Ms Perkins joined the Colorado DOC in 1986. She was assigned to the Colorado Territorial Correctional Facility working for the Security Manager. She worked at the following facilities and offices: Parole and Community Corrections divisions, the Office of Inspector General, the Arkansas Valley Correctional Facility, Human Resources, and the Corrections Training Academy at the Denver Complex where she held the position of a Business Manager; and at the Office of Planning and Analysis where she held the position of researcher. She has been transferred to the Facility Management Services. She has two years of College education but chose not to mention her qualification. She is classified as a General Professional III, which is a professional series within the state of Colorado government. Liaising with Ms Perkins was imperative because she provided the researcher with information regarding assessment tools and foreign offender assessment at the Colorado DOC.

❖ Mr Joseph Tomkiel: Research Manager- Pennsylvania Department of Corrections (USA)

Following graduation with a Bachelor of Arts degree in Economics and Business from Lafayette College, Easton, Pennsylvania in 1978, Mr Tomkiel was commissioned as a Field Artillery Officer in the United States Army. His military career spanned over twenty years, nine of which spent in what was then West Germany. He retired from the Army in 1999 with the rank of a Major.

Mr Tomkiel is currently a Senior Programme Analyst and a Research Manager for the Pennsylvania DOC. In the last few years, he has been working with Geographic Information Systems (GIS) and has played a vital role in providing both the Pennsylvania Departments of Aging and Corrections with the ability to perform geospatial analysis of their programmes. As a Research Manager, his duties entail reviewing and coordinating research proposals from universities and other government agencies. He also assists research teams in conducting studies associated with criminology within any of Pennsylvania's twenty-six State Correctional Institutes (SCI)

or prisons. Mr Tomkiel provided the researcher with information regarding custodial assessment tools used at the Pennsylvania DOC.

❖ **Ms Teri Herold-Prayer: Research Manager- Washington State Department of Corrections (USA)**

Teri Herold-Prayer is a research manager at the Washington State DOC. She has more than ten years' experience as a research analyst. She holds two master's degrees from Washington State University: A Master's in Criminal Justice and a Master's in Political Science. Her work at the Washington State DOC includes evaluation of corrections programmes, engaging with outside academics to further corrections research and collaboration with outside agencies and professionals in furthering an understanding of the offender population in the State.

She played a paramount role in this research by providing the researcher with information regarding offender assessment tools utilised by the Washington State DOC.

❖ **Professor Wagdy Loza: Developer of the SAQ assessment tool, and a senior lecturer at Queens University, Canada.**

Professor Wagdy Loza is a licensed psychologist (in Ontario) and the Chairperson of the extremism/terrorism section of the Canadian Psychological Association (CPA). He is a Chief Psychologist at the Correctional Service of Canada with thirty years of experience in the correctional and forensic field. He is also a member of the Ontario Review Board (a government organisation responsible for releasing forensic offenders). In addition, Professor Loza is the chairperson of the Board of Directors for St. Lawrence Youth Association, Kingston, Ontario (a facility for young offenders).

Academically, he is an Adjunct Assistant Professor at the Psychiatry Department at Queen's University, and a former Adjunct Professor at the Psychology Department at Carleton University (Canada). He acted as a clinical supervisor to the university and college students, and he supervised honours and graduate theses and served as a member of examining committees for MA and PhD candidates in Canada and the Netherlands.

Professor Loza's research interests are in the areas of predicting violent and nonviolent recidivism in correctional and forensic populations, and understanding extremism and terrorism, primarily emanating from the Middle-East. He has forty publications in these areas and has offered workshops and presentations in several countries around the world. Professor Loza has developed two measures/instruments. The first is the SAQ

for predicting violent and nonviolent recidivism among correctional and forensic populations. The SAQ has been published with Multi-Health System (MHS). The second measure is the Belief Diversity Scale (BDS) designed to measure Middle-Eastern extremism and terrorism.

It was imperative to consult Professor Loza because he assisted in evaluating South African offender assessment tools employed at the DCS. The information he offered regarding offender assessment tools was invaluable to this research.